

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 110**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON ADOPTING
RULES OF THE ROAD THAT RELATE TO STOPPING, STANDING, PARKING AND
IMPOUNDMENT OF UNAUTHORIZED VEHICLES.**

WHEREAS, to provide for the proper and safe movement of vehicles and pedestrians throughout the City streets, it is necessary to adopt rules of the road that relate to stopping, standing and parking;

WHEREAS, the rules of the road are designed to avoid conflict and improper use of the roadways so as to promote the safe movement of vehicles and pedestrians; and

WHEREAS, RCW Chapters 35A.46 and 35A.47 grant authority to the City to adopt rules of the road and control City streets in order to provide for the safe and efficient movement of pedestrians and vehicles including the removal and impoundment of unauthorized vehicles.

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington, do ordain as follows:

Section 1. Stopping, Standing and Parking. Except when in compliance with law, the direction of a police officer, official traffic-control device or when necessary to avoid conflict with other traffic, no person shall:

A. Stop, stand or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
2. On a sidewalk or street planting strip;
3. Within an intersection;
4. On a crosswalk;
5. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;
6. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
8. On any railroad tracks;
9. At any place where official signs prohibit stopping, standing or parking; and
10. Directly adjacent to curbside, clearly visible, residential mailboxes between 10:00 a.m. and 3:00 p.m. on all days of scheduled mail delivery by the United States Postal Service. (Liberty Lake)

B. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger(s):

1. In front of a public or private driveway or within five feet of the end of the curb radius of the same;
2. Within fifteen feet of a fire hydrant;
3. Within twenty feet of a crosswalk;
4. Within thirty feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway; or
5. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance when properly posted.

C. In any parking place or area designated as handicapped parking by displaying the international blue and white handicapped symbol of a wheelchair; provided, that it shall not be a violation of this chapter to stand, stop or park a vehicle in a place or area so designated when the vehicle clearly displays the handicapped symbol on a license plate, window decal or card as provided by RCW 46.616.830.

A person charged with a violation hereof shall not be determined to have committed a violation if he/she produces in court or prior to the court appearance the special plate, special card or special decal required hereunder or demonstrates he/she was entitled to the same at the time of being ticketed.

D. Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted, upon order of the Chief of Police, as posted in the vicinity of such place.

Section 2. Obstruction of Traffic Prohibited – Exception. No person shall park or leave standing any vehicle, whether attended or unattended, upon the main traveled part of any street or highway; provided, however, that this section shall not apply to the driver of any vehicle which is disabled while on such main portion of such street or highway, in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Section 3. Parking in Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than eight feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. (Liberty Lake)

Section 4. Parking for Certain Purposes Prohibited. No person shall park a vehicle upon a roadway for the principal purpose of:

- A. Displaying such vehicle for sale or for advertising services;
- B. Greasing or repairing such vehicle except repairs necessitated by emergency.
(Liberty Lake)

Section 5. Parking Prohibited On Narrow Streets. When the width of an improved roadway does not exceed 20 feet, the Chief of Police is authorized to erect signs indicating no parking upon both sides of such street. When the width of the improved roadway is between 20 and 28 feet, the Police Chief is authorized to erect a sign indicating no parking upon one side of the street. (Liberty Lake)

A. When official signs prohibiting parking are erected upon narrow streets as provided in this section, no person shall park a vehicle upon any such street in violation of any sign.

Section 6. Parking Prohibited At All Times On Certain Streets. No person shall park on a City street where signs are posted under the authority of the Chief of Police.

Section 7. Special Parking Zones. The Chief of Police, in consultation with the City Traffic Engineer may establish loading zones, safety zones, danger zones, school zones, transit stops and such other restricted parking places, on the public streets as necessary to protect the public safety and convenience. Such zones shall be designated by posting of descriptive signs or other markings. (Liberty Lake)

Section 8. Overnight Parking Prohibited in Residential Areas. It is unlawful to park or otherwise leave overnight, or between the hours of one minute after 12:00 midnight and 6:00 a.m., on any street or highway in the City of Liberty Lake in those areas classified as residential by the official zoning ordinance the following types of trailers and/or vehicles:

Commercial vehicles over 10,000 pounds licensed gross vehicle weight, the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, vehicles, passengers for hire, or which are used primarily in construction or farming, including but not limited to bulldozers, backhoes, tractors and cranes. It is not necessary that restricted parking or other traffic signs be erected for the purpose of enforcing this section. (Liberty Lake)

Section 9. One-Way and Two-Way Road Parking Regulations – State Parking Signs.

A. Every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of the roadway.

B. Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left hand curb or edge of the roadway.

C. The State Highway Commission with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where, in its opinion, as evidenced by resolution or order, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

Section 10. Parking on or Adjacent to Bicycle Paths Prohibited. No person shall stop, stand or park a vehicle, bicycle, or other device on or adjacent to a designated bicycle path in such a manner as to obstruct or restrict the use of any portion thereof; provided, that authorized emergency and maintenance vehicles are exempted when engaged in necessary emergency or maintenance work; provided further, that vehicles, bicycles, or other devices requiring emergency repair may remain on the paths if its owner or operator is unable to remove it from the place where it is located, and so notifies law enforcement officials, and effects the removal within a twelve-hour period. (Liberty Lake)

Section 11. Towing of Vehicle Parked on or Adjacent to Bicycle Path. Where a motor vehicle, bicycle or other device is left stopped, standing or parked on a designated bicycle path as prohibited in above listed section, any police officer shall be authorized to direct that such vehicle, bicycle, or other device be towed away at the expense of the owner or other person responsible for such vehicle, bicycle, or device. (Liberty Lake)

Section 12. Violation – Penalty. Any person who has been found to have violated any of the provisions of this ordinance shall be deemed to have committed an infraction and be punished by a fine not to exceed two hundred fifty dollars.

Section 13. Notices on Illegally Parked Vehicles. Whenever any motor vehicle without an operator is found parked or stopped in violation of any of the restrictions imposed in this Ordinance, the officer finding such vehicle shall record its license number and may take any other information displayed on the vehicle which may identify its operator or owner, and shall conspicuously affix to such vehicle a notice of infraction.

Section 14. Presumption in Reference to Illegal Parking. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the infraction was parked in violation of any such law or regulation, together with proof that the defendant named in the infraction was at the time of such parking a registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

A. The presumption stated herein shall apply only when the procedure outlined in Notices on Illegally Parked Vehicles has been followed.

Section 15. Impoundment and Removal By Police Officer. Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 or 46.61.504, or of RCW 46.20.342 or 46.20.420, or the equivalent provisions of City Ordinance, the vehicle is subject to impoundment, pursuant to the applicable ordinance or state law at the direction of a City Police Officer. In addition, a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

1. Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, or the equivalent provisions of this title, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;
2. Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;
3. Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;
4. Whenever the driver of a vehicle is arrested and taken into custody by a police officer;
5. Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;
6. Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;
7. Upon determining that a person is operating a motor vehicle without a valid drivers license in violation of RCW 46.20.005, or the equivalent provisions of this title, or with a license that has been expired for ninety days or more;
8. Whenever any police officer finds a vehicle or device parked, angle parked, or so used as to endanger any user or potential user of any public street or way open to the public;
9. Whenever any police officer finds a vehicle stalled, disabled, unattended, or unable to move under its own power on or in any public facility, including streets, roads or highways, tunnels, bridges, or approaches thereto in the city, and such an occurrence is or may be a menace or obstruction to the safety of the general public;
10. Whenever any police officer finds a vehicle operating upon the streets and highways of this city which is defective in equipment in such a manner that it is unsafe. Said vehicle shall be an unlawful vehicle and may be prevented from further operation until the equipment defect is corrected and it satisfactorily passes inspection as directed by the chief of police or his designee. The provisions of this section shall not be construed to prevent the operation of any such

defective vehicle to a place for correction of the equipment defect in the manner directed by any peace officer or representative of the state Commission on Equipment;

11. When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic;
12. When the vehicle is illegally occupying a restricted tow away zone such as a truck, commercial load, bus, loading, or other similar zone where, by order of the Police Chief parking is limited to designated classes of vehicles or is prohibited during certain hours, or designated days, or at all times, and where such vehicle is interfering with the proper and intended use of such zones. With respect to any of the above grounds for impoundment, if in the discretion of a police officer, a delay in the impoundment and removal of the vehicle would not unduly inconvenience or endanger the public safety and health, he may make or cause to be made efforts of notification of an identifiable owner. Such efforts of notification may include canvassing the area, telephone calls, or application of a twenty-four-hour notification sticker referenced in this Ordinance;
13. When the vehicle poses an immediate danger to public safety; or
14. When a police officer has probable cause to believe that the vehicle constitutes or contains evidence of a crime, if impoundment is reasonably necessary in such instance to obtain or preserve evidence.

(Provisions 8 thru 14 are Liberty Lake)

A. Nothing in this section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required by law.

Section 16. Impound After Notice.

A. A vehicle not subject to immediate impound by a police officer under this Ordinance may be impounded after notice of the proposed impoundment has been securely attached to and conspicuously displayed on the vehicle for a period of 24 hours prior to such impoundment for the following reasons:

1. When such vehicle is parked in violation of any law, ordinance, or regulation; or
2. When such vehicle is so mechanically defective as to be unsafe for operation; provided, however, that this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in a manner directed by any law enforcement officer.

B. If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the 24 hour notification tag. If the vehicle is not removed within twenty-four hours from the time the notification tag 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 traffic hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notified law enforcement officials and requests assistance.

C. The notification placed on the vehicle shall contain the following information:

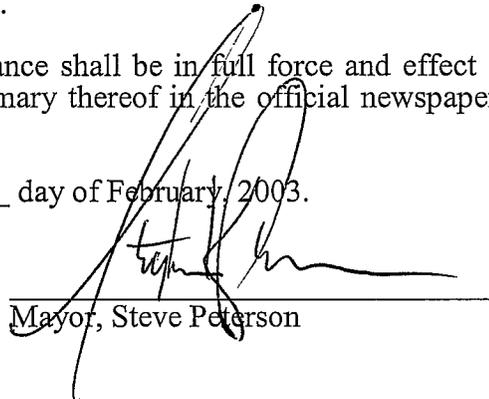
1. The date and time the notice was attached;
2. The identity of the police officer;
3. A statement that if the vehicle is not removed within 24 hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense;
4. A statement that if the vehicle is not redeemed as provided in RCW 46.55.120, the registered owner will have committed a traffic infraction; and
5. The address and telephone number where additional information may be obtained.

Section 17. Incorporation By Reference. Pursuant to RCW 35.21.180 and 35A.21.160, the City adopts by reference the following state law related to towing and impounding of vehicles RCW 46.55.010, RCW 46.55.080, RCW 46.55.085, RCW 46.55.090, RCW 46.55.100, RCW 46.55.105, RCW 46.55.110, RCW 46.55.120, RCW 46.55.130, RCW 46.55.140 and RCW 46.55.230 as now in effect and as subsequently amended as laws of the City that relate to the impound of unauthorized vehicles, redemption rights, hearing procedures and junk vehicle disposition.

Section 18. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

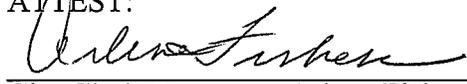
Section 19. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 4th day of February, 2003.



Mayor, Steve Peterson

ATTEST:



City Clerk-Treasurer, Arlene Fisher

APPROVED AS TO FORM:



T/Drive/Ord 7

City Attorney, Stanley M. Schwartz
Date of Publication: 2/19/03
Effective Date: 2/19/03