

Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Model Traffic Ordinance Adopted**
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Chapter 10.04

(Ord. 621 §§ 8, 9, 1997)

MODEL TRAFFIC ORDINANCE ADOPTED

Sections:

10.04.010 Adoption by reference—Sections not adopted.

10.04.100 Payment of parking fee or annual pass required.

10.04.010 Adoption by reference—Sections not adopted.

A. The Washington Model Traffic Ordinance, Chapter 308-330 WAC, as now written or hereinafter amended is adopted by reference as the traffic ordinance of the City of Black Diamond as if set forth in full. A true and correct copy of the Washington Model Traffic Ordinance in effect as of the date of adoption of the ordinance codified in this chapter is attached to said ordinance and marked Exhibit A.

B. The following sections of the Model Traffic Ordinance are expressly not adopted by reference:

WAC 308-330-250	Police Department to administer bicycle licenses.
WAC 308-330-275	Traffic safety commission—powers and duties.
WAC 308-330-500	Bicycle license required.
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 licenses.
WAC 308-330-530	Bicycle transfer of ownership.
WAC 308-330-535	Bicycle rental agencies.
WAC 308-330-540	Bicycle dealers.
WAC 308-330-560	Bicycle penalties.

10.04.100 Payment of parking fee or annual pass required.

A. A vehicle with a boat trailer may park in the City of Black Diamond at Lake Sawyer Boat Launch Park on SE 296th Street only if the required parking fee is paid in advance or the vehicle prominently displays, in the manner directed by the city, a current, valid annual parking pass that has been issued for that vehicle. Failure to pay the vehicle with boat trailer parking fee as required herein or clearly display a current, valid annual parking pass issued for that vehicle is a civil infraction subject to a one hundred dollar civil penalty.

B. *Parking fee.* A daily fee shall be paid in advance for each vehicle with a boat trailer parking at Lake Sawyer Boat Launch Park. The fee shall be five dollars. Future daily parking fee rates will be established by a resolution of the city council. The city will provide a pay station in which the fee shall be deposited. Payment of the fee will entitle the vehicle to be parked for a continuous twelve-hour period in a single calendar day, subject to such park hours of operation and closure as are prescribed by the city. If a vehicle leaves the parking area and then returns, another parking fee shall be paid in full.

C. Annual pass.

1. In lieu of paying the daily parking fee set forth above, an annual parking pass may be purchased from the city for a specific vehicle with a boat trailer and prominently displayed on such vehicle, in the manner directed by the city, while the vehicle is parked at Lake Sawyer Boat Launch Park.

2. *Duration.* An annual pass will be valid until December 31st of the year in which it is issued.

3. *Fee.* An annual pass for vehicle with boat trailer parking will be issued for a vehicle upon payment of the appropriate annual pass fee. The fee shall be sixty dollars per vehicle year, thirty-five dollars per vehicle per year for senior citizens sixty-five years of age and older, and thirty-five dollars per vehicle per year for persons with a valid

State of Washington disabled vehicle permit. A ten-dollar replacement fee will be charged to replace a lost or stolen pass or to change the vehicle to which it will apply. Future fee rates for the annual pass will be established by a resolution of the city council.

4. *Proof of identity.* A person must prove they are the registered or legal owner of the vehicle by showing identification and registration at the time of purchase of the annual pass. (Ord. 783 § 1, 2005; Ord. 766 § 1, 2004; Ord. 762 § 1, 2004) (Ord. No. 934, § 1, 2-4-2010)

Chapter 10.06

HIGHWAY ACCESS MANAGEMENT

Sections:

10.06.010 RCW Chapter 47.50 adopted by reference.

10.06.020 WAC Chapters 468-51 and 468-52 adopted by reference.

10.06.010 RCW Chapter 47.50 adopted by reference.

RCW Chapter 47.50, together with all future amendments, is adopted by reference to provide for the regulation and control of vehicular access and connection points of ingress to, and egress from, the state highway system within the incorporated area of the city. (Ord. 531 § 1, 1995)

10.06.020 WAC Chapters 468-51 and 468-52 adopted by reference.

Pursuant to the requirements and authority of RCW 47.50, there is adopted by reference the provisions of Chapter 468-51 and Chapter 468-52 of the Washington Administrative Code, together with all future amendments, in order to implement the requirements of RCW Chapter 47.50. (Ord. 531 § 2, 1995)

Chapter 10.08

SPEED LIMITS

law on the following streets is less than is necessary for safe operation of vehicles thereon by reason of the physi-

Sections:

- 10.08.010 State speed laws applicable.**
- 10.08.015 Speed limit on State Route 169.**
- 10.08.020 Increase of state law maximum speed.**
- 10.08.030 Decrease of state law maximum speed.**
- 10.08.040 Penalties.**
- 10.08.050 Posting of signs.**
- 10.08.060 State approval.**

10.08.010 State speed laws applicable.

Except as otherwise provided by the ordinances of the city, the state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city. (Ord. 297 § 1, 1984)

10.08.015 Speed limit on State Route 169.

The speed limit on State Route 169 within the city is as set forth below:

Name of Street	Speed Limit
A. Third Avenue (State Route 169), northbound and southbound, from the south city limits to mile post 7.49	50 mph
B. Third Avenue (State Route 169), northbound and southbound, from milepost 7.49 to the north city limits	35 mph

(Ord. 540 § 1, 1995)

10.08.020 Increase of state law maximum speed.

It is determined upon the basis of the engineering and traffic investigation conducted by the chief of police that the speed limit permitted by state



Name of Street	Speed Limit	Name of Street	Speed Limit
17. Morgan Drive, both directions, from Dail Drive to Bunavista Drive	20 mph	28. Second Avenue, both directions, from First Avenue to Park Street	20 mph
18. Morgan Street, both directions, from Roberts Drive to Baker Street	25 mph	29. Fourth Avenue, both directions, from Lawson Street to James Street	20 mph
19. Old Lawson Road, both directions, from Third Avenue (State Route 169) to its east terminus	20 mph	30. Fifth Avenue, both directions, from its north terminus to its south terminus	20 mph
20. Pacific Street, both directions, from Fifth Avenue to its south terminus	20 mph	31. Sixth Avenue, both directions, from John Street to its north terminus	20 mph
21. Park Street, both directions, from Second Avenue to Fourth Avenue and from Fifth Avenue to its east terminus	20 mph	32. John Street, both directions, from Fifth Avenue to Sixth Avenue	20 mph
22. Plass Road, both directions, from Third Avenue (State Route 169) to the south city limits	20 mph	33. Summit Drive both directions from 3rd Avenue to Blaine Avenue	25 mph
23. Railroad Avenue, both directions, from Roberts Drive to Third Avenue (State Route 169)	20 mph	34. Blaine Avenue both directions from Summit Drive to Franklin Drive	25 mph
24. Railroad Avenue, both directions, from Third Avenue (State Route 169) and Old Lawson Road to its north terminus	25 mph	35. Franklin Drive both directions from Blaine Avenue to Kummer Avenue	25 mph
25. Roberts Drive, both directions, from the 23500 block to the 24600 block	25 mph	36. Kummer Avenue both directions from Franklin Drive to Summit Drive	25 mph
26. Southeast Green River Gorge Road, both directions, from the north city limits to its intersection with Lawson Street	25 mph	37. Kanasket Street both directions from Ravensdale Black Diamond to 25202 Kanasket Street	25 mph
27. First Avenue, both directions, from Third Avenue (State Route 169) to its north terminus	20 mph	38. Cumberland Place both directions from Kanasket Street to 25202 Cumberland Place	25 mph
		39. Cumberland Way both directions from Kanasket Street to Cumberland Drive	25 mph
		40. Cumberland Drive Both directions from Cumberland Way to Kanasket Street	25 mph

Name of Street	Speed Limit	Name of Street	Speed Limit
41. Selleck Place both directions from Cumberland Drive to 30501 Selleck Place	25 mph	53. 224th Avenue SE both directions from SE 307th Place to SE 296th	35 mph
42. Newcastle Drive both directions from Lawson Street to lower McKay Lane	25 mph	54. SE 296th both directions from 224th Avenue SE to 216th Avenue SE	35 mph
43. McKay Lane both directions from Newcastle to upper Newcastle Drive	25 mph	55. Curve sign at SE 297th and 224th Avenue SE	30 mph
44. Minor Street both directions from Morgan Street to 32502 Minor Street	15 mph	56. 216th Avenue SE both directions from SE 296th to SE 288th	35 mph
45. Mason Street both directions from Abrams Avenue to 24111 Mason Street	25 mph	57. SE 312th both directions from 228th Avenue SE to 23232 SE 312th	25 mph
46. Hyde Avenue both directions from Mason Street to 32818 Hyde Avenue	25 mph	58. SE 307th Place both directions from 224th Avenue SE to 229th Place SE	25 mph
47. Lynch Lane both directions from Roberts Drive to 32249 Lynch Lane	20 mph	59. 229 Place SE both directions from SE 307th Place to 30845 229th Place SE	25 mph
48. Sunny Land both directions from Roberts Drive to 32100 Sunny Lane	20 mph	60. SE 302th Street both directions from 224th Avenue SE to 225th Avenue SE	25 mph
49. Terrace Place both directions from Morgan Street to 24421 Terrace Place	20 mph	61. 225th Avenue SE both directions from SE 302th Street to SE 300th Street	25 mph
50. Lake Sawyer Road SE both directions from Roberts Drive to SE 312th	45 mph	62. SE 300th Street both directions from 224th Avenue SE to 225th Avenue SE	25 mph
51. 228th Avenue SE both directions from SE 312th to SE 307th Place	35 mph	63. SE 297th Street both directions from 224th Avenue SE to SE 298th	
52. 228th Avenue SE both directions from SE 313th to SE 308th (School zone when present)	20 mph	64. SE 298th Street both directions from SE 297th to 226th Avenue SE	25 mph
		65. 226th Avenue SE both directions from SE 298th Street to 29702 226th Avenue SE	25 mph

Name of Street	Speed Limit	Name of Street	Speed Limit
66. 225th Place SE both directions from SE 298th Street to 29716 225th Place SE	25 mph	79. 229th Avenue SE both directions from 228th Avenue SE to SE 292th Place	25 mph
67. SE 296th Street both directions from 224th Avenue SE to Boat Launch	25 mph	80. 229th Place SE both directions from 229th Place SE to 28901 229th Place SE	25 mph
68. SE 295th Place both directions from SE 296th Street to 218th Place SE	25 mph	81. SE 292nd Place both directions from 229th Avenue SE to 232nd	25 mph
69. 218th Place SE both directions from SE 29th Place to SE 292nd	25 mph	82. SE 293rd Place both directions from 232nd Avenue to 236th Avenue SE	25 mph
70. SE 292th Street both directions from 216th Avenue SE to 218th Place SE	25 mph	83. 235th Avenue SE both directions from SE 293rd Place to 29507 235th Avenue SE	25 mph
71. 218th Avenue SE both directions from SE 292nd Street to SE 289th Street	25 mph	84. 233rd Avenue SE both directions from SE 2934 Place to 29326 233rd Avenue SE	25 mph
72. SE 289th Street both directions from 218th Avenue SE to 220th Place SE	25 mph	85. 232nd Avenue SE both directions from SE 288th Street to 232nd Place SE	25 mph
73. 220th Place SE both directions from SE 289th Street to 222nd Place SE	25 mph	86. 232nd Place SE both directions from 232nd Avenue SE to 234th Avenue SE	25 mph
74. 222nd Place SE both directions from 220th Place SE to SE 290th Street	25 mph	87. 236th Avenue SE both directions from SE 2934 Place to SE 291st Street	25 mph
75. SE 290th Street both directions from 222 Place SE to 224th Avenue SE	25 mph	88. 234th Avenue SE both directions from SE 291st Street to SE 288th Street	25 mph
76. 224th Avenue SE both directions from SE 290th Street to SE 288th	25 mph	89. SE 289th Street both directions from 235 Avenue SE to 2334 Avenue SE	25 mph
77. SE 288th Street both directions from 216th Avenue SE to 236th Avenue SE	35 mph	90. 233rd Avenue SE both directions from SE 289th Street to SE 291st Street	25 mph
78. 228th Avenue SE both directions from SE 288th to 229th Avenue SE	25 mph		

Name of Street	Speed Limit
91. SE 291st Street both directions from 2334 Avenue SE to 234th Avenue SE	25 mph

(Ord. 829 § 2, 2007; Ord. 625 § 3, 1997; Ord. 540 § 3, 1995; Ord. 297 § 3, 1984)

10.08.040 Penalties.

Any person violating any provision of this chapter shall have committed a traffic infraction and shall be assessed a monetary penalty not to exceed three hundred thirty-seven dollars as prescribed in the revised monetary penalty schedule which has been amended pursuant to RCW 46.63.110(6) taking effect on January 1, 1998. (Ord. 625 § 4, 1997; Ord. 297 § 4, 1984)

10.08.050 Posting of signs.

The city utility superintendent is directed to post and/or maintain signs along Third Avenue (State Route 169), Roberts Drive/Road, Morgan Drive, Union Drive, Baker Street, Lawson Street, the Southeast Green River Gorge Road, Botts Drive and Pacific Street, notifying the driving public of the speed limit for each street mentioned as established by this chapter. (Ord. 297 § 5, 1984)

10.08.060 State approval.

The city clerk-treasurer is directed to send a certified copy of the ordinance codified in this chapter to the Secretary of the State Department of Transportation to notify the department of the city's approval of the current state established speed limits on Third Avenue (State Route 169). The city clerk-treasurer is further directed to attach to the ordinance codified in this chapter any letter from the Secretary of the Department of Transportation approving such speed limits when received. (Ord. 297 § 6, 1984)



Chapter 10.10**PUBLIC ROADWAY PARKING
RESTRICTIONS**

Sections:

10.10.010 Parking restrictions.**10.10.020 Penalties.****10.10.030 Supplemental authority.****10.10.010 Parking restrictions.**

SE 312th Street. Parking of vehicles along both sides of SE 312th Street from its intersection with Lake Sawyer Road, east one thousand six hundred feet to its terminus at the gate to the City park property shall be prohibited.

(Ord. No. 939, § 1, 6-3-2010)

10.10.020 Penalties.

Any person violating any provision of this chapter shall have committed a civil infraction and shall be assessed a monetary penalty of one hundred dollars.

(Ord. No. 939, § 1, 6-3-2010)

10.10.030 Supplemental authority.

The parking restrictions set forth in this chapter shall be in addition to any other parking restrictions imposed in accordance with other provisions of the City of Black Diamond Municipal Code or state law.

(Ord. No. 939, § 1, 6-3-2010)

Chapter 10.12**WEIGHT LIMITS**

Sections:

10.12.010 Maximum gross weight.**10.12.020 Exceptions to maximum gross weight.****10.12.030 Liability of owner and others for violation.****10.12.040 Enforcement—Wighing.****10.12.050 Enforcement—Lightening.****10.12.060 Special permits.****10.12.070 Enforcement—Penalties.****10.12.010 Maximum gross weight.**

Except as permitted in Section 10.12.020, it is unlawful for any person to operate upon a city street, road, or alley other than Third Avenue (State Route 169), Lawson Street, or Roberts Drive a vehicle whose registered gross weight equals or exceeds ten tons. (Ord. 584 § 1 (part), 1996) (Ord. No. 878, § 1, 11-20-2008; Ord. No. 903, § 1, 4-23-2009)

10.12.020 Exceptions to maximum gross weight.

The following vehicles shall be exempt from the weight limitations imposed in Section 10.12.010:

A. Vehicles owned and operated by the city;

B. School buses;

C. Emergency vehicles;

D. Trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents;

E. Garbage trucks;

F. Vehicles making deliveries to destinations located on city streets; and

G. Vehicles transporting materials, such as rock and gravel, that are mined, manufactured or created within the city limits for transport to locations within or outside of the city. (Ord. 584 § 1 (part), 1996)

(Ord. No. 896, § 1, 4-2-2009)

10.12.030 Liability of owner and others for violation.

Whenever an act or omission is declared to be unlawful in this chapter, the owner or lessee of any vehicle involved shall be responsible therefore. Any person knowingly and intentionally participating in creating an unlawful condition of use, shall also be subject to the penalties prescribed in Section 10.12.070. (Ord. 584 § 1 (part), 1996)

10.12.040 Enforcement—Weighing.

Any police officer is authorized to require the driver of any vehicle to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. (Ord. 584 § 1 (part), 1996)

10.12.050 Enforcement—Lightening.

A. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by Section 10.12.010.

B. If the vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of the load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. The owner or operator of the vehicle shall care for all materials unloaded at the risk of the owner or operator. (Ord. 584 § 1 (part), 1996)

10.12.060 Special permits.

A. A special permit may be obtained from the city administrator upon application in writing and for good cause being shown therefor, authorizing the applicant to operate or move a vehicle whose gross weight, including load, exceeds the limit imposed in Section 10.12.010, upon a city street or alley.

B. Application shall be made in writing on special forms furnished by the city administrator and shall be submitted at least twenty-four hours in advance of the proposed movement.

C. The city administrator may issue or withhold said permit at its discretion, although where a mobile home is being moved, the verification of a valid license under RCW Chapter 46.70, as a mobile home dealer or manufacturer, or under RCW Chapter 46.76, as a transported shall be done by the building inspector.

D. If the permit is issued, the city administrator may limit the number of trips, establish seasonal or other limitations within which the vehicle may be operated, or otherwise limit or prescribe conditions of operation of the vehicle when necessary to assure against undue damage to road foundations, surfaces or structures or the safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.

E. Every special permit issued under this section shall be carried in the vehicle to which it applies. (Ord. 584 § 1 (part), 1996)

10.12.070 Enforcement—Penalties.

Any person violating a provision of this chapter shall be deemed to have committed a civil infraction and shall be assessed a fine not to exceed three hundred fifty dollars for each such violation. (Ord. 584 § 1 (part), 1996)

Chapter 10.14

COMPRESSION BRAKES

Sections:

10.14.010 Definitions.

10.14.020 Compression brake use declared nuisance when.

10.14.030 Use prohibited.

10.14.040 Violation—Penalty.

10.14.010 Definitions.

As used in this chapter:

A. "Brake" means any device used for slowing, halting or stopping the movement of any motor vehicle.

B. "Motor vehicle" means and includes every self-propelled device capable of being moved upon the public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks, and including automobiles, tractors, trucks, trailers and transportation equipment of all kinds and sizes or any combination or combinations of the same. (Ord. 451 § 1, 1992)

10.14.020 Compression brake use declared nuisance when.

The city council finds that the use within the city limits of motor vehicle brakes which are activated or worked by the compression of the engine or of a motor vehicle disturbs and disrupts the public peace and quiet and disturbs the residents of the city and their rest and in the enjoyment of their property and by reason thereof, the city council finds that the use of such brakes within the city limits is a public nuisance. (Ord. 451 § 2, 1992)

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10.14.030 Use prohibited.

The use within the city limits of any motor vehicle brakes which are in any way activated or operated by compression of the engine or any such motor vehicle or any unit or part thereof is prohibited. (Ord. 481 § 1, 1993; Ord. 451 § 3, 1992)

10.14.040 Violation—Penalty.

Any person who violates any of the provisions of this chapter or who allows or permits any motor vehicle owned and/or operated by said person to be operated in violation of any of the provisions of this chapter is guilty of a misdemeanor and upon conviction there shall be punished by a fine and/or jail term as set forth in Section 9.00.020 of the Black Diamond Municipal Code. (Ord. 451 § 4, 1992)

Chapter 10.16

**IMPOUNDING AND STORAGE
OF VEHICLES**

Sections:

- 10.16.010 Incorporation of state law by reference.
- 10.16.020 Copies available for inspection.
- 10.16.030 Authority to impound—
Additional situations.
- 10.16.040 Impoundment of vehicle where driver is arrested for a violation of RCW 46.20.005, 46.20.015, 46.20.342, 46.20.420, 46.61.502, 46.61.504—Period of impoundment.
- 10.16.050 Redemption of impounded vehicles.
- 10.16.060 Post-impoundment hearing procedure.

10.16.010 Incorporation of state law by reference.

Chapter 46.55 RCW of the 1985 Legislative Session, and amendments thereto, are incorporated by reference. (Ord. 344 § 2, 1987)

10.16.020 Copies available for inspection.

The city clerk-treasurer of the city shall have available for the public inspection during regular working hours a copy of RCW Chapter 46.55 for inspection by the public. (Ord. 344 § 3, 1987)

**10.16.030 Authority to impound—
Additional situations.**

In accordance with Section 46.55.240 RCW the city adopts other situations in which an impound is authorized as follows:

A. If a vehicle is left unattended upon any bridge, viaduct or causeway, where such vehicle constitutes an obstruction of traffic.

B. When a vehicle upon a highway (including bridges and approaches) is so disabled as to constitute an obstruction to traffic, or when the person

in charge of the vehicle is physically injured or intoxicated.

C. When a vehicle is parked illegally, is left unattended and constitutes a hazard or obstruction in normal movement of traffic, or a hazard to public safety.

D. When a vehicle is left unattended on public property without movement for a period of over twenty-four hours.

E. When an officer of the police department has reason to believe that a vehicle is stolen or that a vehicle is needed for evidence in a criminal prosecution.

F. When in the judgment of an officer of the police department, an occupied or unattended vehicle is in danger of being stripped, stolen or vandalized, or where there is reason to believe the vehicle has been abandoned.

G. When a wrecked and unattended vehicle has been left on public property.

H. When an unattended vehicle is parked on public property or right-of-way and does not display current license plates. (Ord. 344 § 4, 1987)

10.16.040 Impoundment of vehicle where driver is arrested for a violation of RCW 46.20.005, 46.20.015, 46.20.342, 46.20.420, 46.61.502, 46.61.504—Period of impoundment.

A. Whenever the driver of a vehicle is arrested or cited for a violation of RCW 46.20.005, 46.20.015, 46.20.342, 46.20.420, 46.61.502, 46.61.504, the vehicle is subject to impoundment at the direction of a police officer.

B. Whenever the driver of a vehicle is arrested or cited for a violation of RCW 46.20.005, 46.20.015, 46.20.420, 46.61.502, 46.61.504, or 46.20.342(1)(c) and the driver has not been convicted one or more times of a violation of RCW 46.20.342 or similar local ordinance within the past five years, then the vehicle may be released as soon as all the requirements of Section 10.16.050A are satisfied.

C. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing's records show that the driver has been convicted one time of a violation of RCW 46.20.342 or similar local ordinance within the past five years, the vehicle shall be impounded for fifteen days.

D. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing's records show that the driver has been convicted two or more times of a violation of RCW 46.20.342 or similar local ordinance within the past five years, the vehicle shall be impounded for thirty days.

E. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance within the past five years, the vehicle shall be impounded for thirty days.

F. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted one time of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance once within the past five years, the vehicle shall be impounded for sixty days.

G. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance two or more times within the past five years, the vehicle shall be impounded for ninety days. (Ord. 663 § 1, 1999)

10.16.050 Redemption of impounded vehicles.

Vehicles impounded by the city shall be redeemed only under the following circumstances:

A. Only the registered owner, a person authorized by the registered owner, or one who has pur-

chased the vehicle from the registered owner, who produces proof of ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to Section 10.16.040 must prior to redemption establish that he or she has a valid driver's license and is in compliance with RCW 46.30.020. A vehicle impounded pursuant to subsections C to G of Section 10.16.040 can be released only pursuant to a written order from the court.

B. Any person so redeeming a vehicle impounded by the city shall pay the towing contractor for costs of impoundment removal, towing and storage prior to redeeming such vehicle, except as provided for by subsection C of this section. Such towing contractor shall accept payment as provided in RCW 46.55.120(1)(b) as now or hereafter amended. If the vehicle was impounded pursuant to Section 10.16.040 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines or forfeitures owed by the registered owner have been satisfied.

C. The Black Diamond Municipal Court is authorized to release a vehicle impounded pursuant to Section 10.16.040C to G prior to the expiration of any period of impoundment upon petition of the spouse of the driver based on economic or personal hardship to such spouse resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from release of the vehicle including, but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle. If such release is authorized, the person redeeming the vehicle still must satisfy the requirements of subsections A and B of this section.

D. Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation has a right to a municipal court hearing to contest the validity of an impoundment or the amount of removal, towing, and storage charges if such request for hearing is in writing, in a form approved by the Black Diamond municipal court and signed by such person, and is received by the Black Diamond municipal court within ten days (including Saturdays,

Sundays and holidays) of the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a). Such hearing shall be provided as follows:

1. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 10.16.040, have been satisfied, then the impounded vehicle shall be released immediately and a hearing as provided for in Section 10.16.060 shall be held within ninety days of the written request for hearing.

2. If not all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 10.16.040, have been satisfied, then the impounded vehicle shall not be released until after the hearing provided pursuant to Section 10.16.060, which shall be held within five business days (excluding Saturdays, Sundays and holidays) of the written request to the court for hearing.

3. Any person seeking a hearing who has failed to request such hearing within the time specified in subsection D of this section may petition the Black Diamond municipal court for an extension of time to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purposes of this section, good cause shall be defined as circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

4. If a person fails to file a timely request for hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment are deemed to be proper, and the city shall not be liable for removal, towing, and storage charges arising from the impoundment. (Ord. 663 § 2, 1999)

10.16.060 Post-impoundment hearing procedure.

Hearings requested pursuant to Section 10.16.050 shall be held in the Black Diamond municipal court, which court shall determine whether the impoundment was proper and whether the associated removal, towing, and/or storage fees were proper.

A. At the hearing, an abstract of the driver's driving record is admissible without further evidentiary foundation and is prima facie evidence of the status of the driver's license, permit, or privilege to drive and that the driver was convicted of each offense shown on the abstract. In addition, a certified vehicle registration of the impounded vehicle is admissible without further evidentiary foundation and is prima facie evidence of the identity of the registered owner of the vehicle.

B. If the impoundment is found to be proper, the court shall enter an order so stating. In the event that the costs of impoundment, removal, towing, and storage have not been paid or any other applicable requirements of Section 10.16.050A and B have not been satisfied or any period of impoundment under Section 10.16.040 has not expired, the court's order shall also provide that the impounded vehicle shall be released only after payment to the city of any fines imposed on any underlying traffic or parking infraction and satisfaction of any other applicable requirements of Section 10.16.050A and B.

C. If the impoundment is found to be improper, the court shall enter an order so stating and order the immediate release of the vehicle. If the costs of impoundment have already been paid, the court shall enter judgment against the city and in favor of the person who has paid the costs of impoundment in the amount of the costs of the impoundment.

D. In the event that the court finds that the impound was proper, but that the removal, towing, storage fees charged for the impoundment were improper, the court shall determine the correct fees to be charged. If the costs of impoundment have been paid, the court shall enter a judgment against the city and in favor of the person who has paid the costs of impoundment for the amount of the overpayment.

E. No determination of facts made at a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and such determination shall not preclude litigation of those same facts in a subsequent criminal prosecution.

F. As to any impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420, if it is determined to be improper, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. (Ord. 663 § 3, 1999)

Chapter 10.28

OPEN ALCOHOLIC BEVERAGE
CONTAINERS—STATE PROVISIONS
ADOPTED

Sections:

10.28.010 Adoption by reference.

10.28.020 Copy on file.

10.28.010 Adoption by reference.

RCW 46.61.519, as amended and incorporating future amendments, is incorporated by reference in this chapter together with the penalties prescribed. (Ord. 339 § 1, 1987)

10.28.020 Copy on file.

In accordance with RCW 35.21.180 not less than one copy of the above section and amendments or additions thereto shall be filed for use and examination by the public in the office of the city clerk-treasurer of the city. (Ord. 339 § 2, 1987)



Chapter 10.32

**SKATEBOARDS, ROLLER SKATES,
COASTERS, IN-LINE SKATES,
MOTORIZED FOOT SCOOTERS AND
SIMILAR DEVICES***

Sections:

- 10.32.010** Definitions.
10.32.020 Duty to obey traffic control devised and rules of the road.
10.32.030 Certain uses prohibited.
10.32.040 Prohibited areas.
10.32.050 Additional requirements—
Motorized foot scooters.
10.32.060 Parental responsibilities.
10.32.070 Penalties.

* Editor's Note: The title of Ch. 10.32 was amended by Ord. 784 § 1.

10.32.010 Definitions.

The following words and phrases when used in this chapter shall for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

"Coasters" means a pairs of shoes, mounted upon two sets of wheels, and controlled by an upright steering handle. This devise is propelled by the user in usually an upright position.

"In-line skates" means a pair of shoes or boots, mounted upon three or more sets of wheels located one behind the other under the attached shoe or boot, and is most often propelled by the user in an upright, standing position.

"Motorized foot scooter" or similar device is defined as a device with two or more ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the devise with or without human propulsion. It is provided, however, that the regulations of this chapter shall not apply to any vehicle used by a disabled person as defined by RCW 46.16.381.

"Roller skates" means a pair of shoes, mounted upon two sets of wheels, and is most often propelled by the user in an upright, standing position or kneeling.

"Skateboard" means a footboard mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels or lays upon the devise while it is in motion. (Ord. 784 § 3, 2005)

**10.32.020 Duty to obey traffic control
devised and rules of the road.**

A. Any person operating a skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar device shall obey all rules of the road applicable to vehicle or pedestrian traffic, as well as the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

B. It shall be unlawful to operate a motorized foot scooter or similar device other than as close as practicable to the right-hand curb or right edge of the roadway.

C. When preparing for a left turn, the operator shall stop and dismount as close as practical to the right-hand curb or right edge of the roadway and complete the turn by crossing the roadway on foot, subject to the restrictions placed on pedestrians in Chapter 46.61 RCW. (Ord. 784 § 4, 2005)

10.32.030 Certain uses prohibited.

A. No skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar device shall be ridden or operated in a negligent or unsafe manner but shall be operated with reasonable regard for the safety of the operator and other persons. For the purposes hereof, to "operate in a negligent manner" means the operation of a motorized foot scooter or similar device in such a manner as to endanger or be likely to endanger any person or property. Examples of operating in a negligent manner include, but are not limited to, failure to obey all traffic control devices, failure to yield right-of-way to pedestrians and/or vehicular traffic. Operation of a motorized foot scooter in excess of a posted speed limit shall be

prima facie evidence of operation in a manner likely to endanger any person or property.

B. No skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar device shall be operated between the times of sunset to sunrise.

C. No skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar device shall be operated with any passengers in addition to the operator.

D. No skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar device shall be operated without the operator wearing a properly fitted helmet that meets or exceeds safety standards adopted by Standard Z-90, set by the American National Standards Institute. The helmet must be worn over the head and be equipped with either a neck or chin strap that must be fastened securely while the motorized scooter is in motion.

E. No motorized foot scooter with an internal combustion engine shall be operated without a muffler in good working order.

F. No motorized foot scooter shall be operated on a city bicycle path or trail, unless the path has been posted to allow use by a motorized foot scooter. (Ord. 784 § 5, 2005)

10.32.040 Prohibited areas.

It is unlawful for any person to operate or ride upon a skateboard, roller skates, coaster, in-line skates, motorized foot scooter or similar device in any of the following areas:

A. On Lawson Street, Railroad Ave., Morgan Street, Roberts Drive and Baker Street;

B. In city parks, unless designated for such use;

C. On sidewalks within the city limits;

D. On any city street with a posted maximum speed limit greater than twenty-five miles per hour. (Ord. 784 § 6, 2005)

10.32.050 Additional requirements— Motorized foot scooters.

A. No motorized foot scooter or similar device shall be operated on streets or other public areas not otherwise prohibited by this section to motorized foot scooters unless the operator is at least sixteen years

of age. No operator's license is required from the department of licensing to operate a motorized foot scooter.

B. Every motorized foot scooter shall be equipped with mirrors on the left side and right side of the handlebars which shall be so located as to give the driver a complete view of the roadway for a distance of at least two hundred feet to the rear of the scooter.

C. Every motorized foot scooter shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement. (Ord. 784 § 7, 2005)

10.32.060 Parental responsibilities.

It is unlawful for a parent or guardian to allow a child to operate a motorized foot scooter in violation of this chapter. For violations by people under sixteen years of age, the parent or guardian will be held responsible. (Ord. 784 § 8, 2005)

10.32.070 Penalties.

A. Any person violating any provision of this chapter shall be guilty of a traffic infraction and shall be punished by the imposition of a monetary penalty of not more than two hundred fifty dollars, exclusive of statutory assessments, provided, conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses. Community service hours may be imposed in lieu of a monetary penalty.

B. Police may seize the motorized foot scooter after any violation. After adjudication of the case the court shall determine the release conditions of the device. (Ord. 784 § 9, 2005)

Chapter 10.36**RECREATIONAL VESSELS—STATE
PROVISIONS ADOPTED****Sections:**

10.36.010 Sections of RCW Chapter 79A.60 adopted by reference—Sections adopted.

10.36.020 Certified copy on file at City Hall.

10.36.010 Sections of RCW Chapter 79A.60 adopted by reference—Sections adopted.

The following sections of the Revised Code of Washington, as now enacted or as hereafter amended, are adopted by reference and codified in Title 10 of this code: 79A.60.010; 79A.60.020; 79A.60.030; 79A.60.040; 79A.60.050; 79A.60.070; 79A.60.080; 79A.60.090; 79A.60.100; 79A.60.110; 79A.60.120; 79A.60.130; 79A.60.140; 79A.60.150; 79A.60.160; 79A.60.170; 79A.60.180; 79A.60.200; 79A.60.210; 79A.60.220; 79A.60.230; 79A.60.240; 79A.60.250; 79A.60.260; 79A.60.270; 79A.60.280; 79A.60.290; 79A.60.300; 79A.60.640; and 79A.60.660. (Ord. 871 § 1, 2008; Ord. 640 § 1, 1998)

10.36.020 Certified copy on file at City Hall.

The city clerk is directed to certify a true and correct copy of the provisions of Chapter 79A.60 RCW which are adopted by reference under BDMC Section 10.36.010, including all present and future updates and amendments and to keep such certified copy on file at City Hall. (Ord. 871 § 2, 2008; Ord. 640 § 2, 1998)

Chapter 10.40**MISCELLANEOUS PROVISIONS****Sections:**

10.40.010 Electronic messages.

10.40.020 Body requirements.

10.40.030 Electrical system requirements.

10.40.040 Parking for certain purposes unlawful.

10.40.050 Unlawful riding.

10.40.060 Inattentive driving.

10.40.010 Electronic messages.

The city adopts by reference as though fully set forth herein WAC Section 204-65-030 as currently existing or as hereafter amended. (Ord. 788 § 41, 2005)

10.40.020 Body requirements.

The city adopts by reference as though fully set forth herein WAC Section 204-90-040 as currently existing or as hereafter amended. (Ord. 788 § 42, 2005)

10.40.030 Electrical system requirements.

The city adopts by reference as though fully set forth herein WAC Section 204-90-140 as currently existing or as hereafter amended. (Ord. 788 § 43, 2005)

10.40.040 Parking for certain purposes unlawful.

The city adopts by reference as though fully set forth herein WAC Section 308-330-436 as currently existing or as hereafter amended. (Ord. 788 § 44, 2005)

10.40.050 Unlawful riding.

The city adopts by reference as though fully set forth herein WAC Section 308-330-478 as currently existing or as hereafter amended. (Ord. 788 § 45, 2005)

10.40.060 Inattentive driving.

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

B. For the purpose of this section, "inattentive" means the operation of a vehicle upon the streets, roads, and highways of the city in a lax or slack manner.

C. The offense of operating a vehicle in an inattentive manner shall be considered to be a lesser offense than, but included in the offense of, operating a vehicle in a negligent manner.

D. A violation of this section shall be a traffic infraction punishable by a monetary penalty of two hundred fifty dollars.
(Ord. No. 905, § 1, 4-23-2009)

Chapter 10.44

TRAFFIC SAFETY SCHOOL

Sections:

10.44.010 Traffic school.

10.44.020 Purpose.

10.44.030 Fee.

10.44.010 Traffic school.

A traffic safety school is authorized to be administered by the Black Diamond police department as a diversion program. (Ord. 782 § 1, 2005)

10.44.020 Purpose.

The purpose of a traffic safety school is to provide instruction, education and information to all participants in the proper, lawful and safe operation of motor vehicles, including but not limited to rules of the road, and any and all relevant vehicle related city ordinances and/or codes, and the limitation of persons, vehicles, and bicycles and roads, streets, and highways under varying conditions and circumstances. (Ord. 782 § 2, 2005)

10.44.030 Fee.

The Black Diamond police department shall charge a fee to all traffic school participants in an effort at assisting in the reimbursement of some or all costs associated with the administration of the traffic safety school. The fee shall be set at an amount established or amended by the city council by resolution. Fee payments by all traffic safety school participants shall be remitted to City Hall in accordance with the procedures established in conjunction with the Black Diamond police department and City Hall. (Ord. 782 § 3, 2005)