

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, REPEALING AND ADDING A CHAPTER TO THE MUNICIPAL CODE RELATING TO PARKING; AMENDING RELATED CODE SECTIONS CONCERNING CIVIL PENALTIES AND IMPOUNDMENT OF VEHICLES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted broad powers under RCW 35A.11.020 to adopt and enforce regulations relating to the use of public property and rights-of-way, including parking restrictions; and

**WHEREAS**, the Black Diamond City Council wishes to amend its current parking regulations, revise the penalties for parking violations, and clarify the authority of City police officers to tow and impound improperly parked vehicles, including vehicles that are obstructing or misusing the rights-of-way or public property or creating a risk to public health and safety;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. BDMC Chapter 10.10 Repealed.** Chapter 10.10 of the Black Diamond Municipal Code is hereby repealed in its entirety.

**Section 2. New BDMC Chapter 10.20 Adopted.** A new “Chapter 10.20 – Parking, Loading and Unloading” of the Black Diamond Municipal Code is hereby adopted to replace old Chapter 10.10. New Chapter 10.20 is adopted in the form shown in Exhibit A, attached hereto.

**Section 3. BDMC Section 10.04.100 Amended.** Section 10.04.100 of the Black Diamond Municipal Code is hereby amended as follows:

**10.04.100 Payment of parking fee or annual pass required.**

A. A vehicle for the purpose of this section is defined as:

1. A motor vehicle as defined in RCW 46.04.320 as now or hereafter amended;
2. Boat trailer is defined as a trailer under RCW 46.04.620 as now or hereafter amended and is designed or used to haul or transport any motorized or non-motorized watercraft;
3. A motor vehicle with a boat trailer attached;

4. A boat trailer, without an attached vehicle.

B. A vehicle 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 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~~ fifty-dollar civil penalty.

C. Parking Fee. A daily fee shall be paid in advance for each vehicle parking at Lake Sawyer Boat Launch Park. The fee shall be established by 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.

D. 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 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 parking will be issued for a vehicle upon payment of the appropriate annual pass fee. The fee shall be established by resolution of the city council and may include a fee for replacement of lost or stolen passes.
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.

**Section 4. BDMC Section 10.16.030 Amended.** Section 10.16.030 of the Black Diamond Municipal Code is hereby amended as follows:

**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 ~~set forth in Section 10.20.010.B.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.~~

**Section 5. Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 6. Effective Date.** This Ordinance, or a summary hereof, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A REGULAR MEETING THEREOF ON THE \_\_\_TH DAY OF \_\_\_\_\_, 2020.**

CITY OF BLACK DIAMOND

\_\_\_\_\_  
Carol Benson, Mayor

Attest:

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Brenda L. Martinez, City Clerk

Approved as to form:

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David Linehan, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.  
Date of Publication:  
Effective Date:

## EXHIBIT A

### **Title 10 VEHICLES AND TRAFFIC \*\*\*\* Proposed NEW draft \*\*\*\***

#### **Chapters:**

Chapter 10.04 - MODEL TRAFFIC ORDINANCE ADOPTED **\*\* (REVISE to update civil penalty for violation) \*\***

Chapter 10.06 - HIGHWAY ACCESS MANAGEMENT

Chapter 10.08 - SPEED LIMITS

~~Chapter 10.10 - PUBLIC ROADWAY PARKING RESTRICTIONS~~ **\*\* (REPEAL and REPLACE WITH New Chapter 10.20) \*\***

Chapter 10.12 - WEIGHT LIMITS

Chapter 10.14 - COMPRESSION BRAKES

Chapter 10.16 - IMPOUNDING AND STORAGE OF VEHICLES **\*\* (REVISE to CROSS REFERENCE WITH NEW CHAPTER 10.20) \*\***

CHAPTER 10.20 - PARKING, LOADING AND UNLOADING **\*\* (NEW) \*\***

Chapter 10.28 - OPEN ALCOHOLIC BEVERAGE CONTAINERS—STATE PROVISIONS ADOPTED

Chapter 10.32 - SKATEBOARDS, ROLLER SKATES, COASTERS, IN-LINE SKATES, MOTORIZED FOOT SCOOTERS AND SIMILAR DEVICES\*

Chapter 10.36 - RESERVED

Chapter 10.40 - MISCELLANEOUS PROVISIONS

Chapter 10.44 - TRAFFIC SAFETY SCHOOL

## **DRAFT OF NEW CHAPTER in TITLE 10 FOR PARKING**

### **CHAPTER 10.20 – PARKING, LOADING AND UNLOADING **\*\*(NEW)\*\*****

#### **10.20.010 Authority.**

A. The Public Works Director is hereby authorized to determine and designate by appropriate signage or supplemental markings with appropriate words, places in which the parking, loading and unloading of vehicles is prohibited on public property or right-of-way.

B. Members of the police department are authorized to impound a vehicle in accordance with Chapter 10.16 under any of the following circumstances:

- (1) If a vehicle is left unattended upon any street, bridge, viaduct or causeway, where such vehicle constitutes an obstruction of traffic;
- (2) When any vehicle upon any street (including bridges and approaches) is so disabled as to constitute an obstruction to traffic, or when the person or persons in charge of the vehicle are, by reason of physical injury or physical condition, incapacitated to such an extent as to be unable to provide for its custody or safe removal;
- (3) When a vehicle is parked in violation of section 10.20.020 through 10.20.080 of this chapter or otherwise in a manner that constitutes a hazard to public safety;
- (4) When a vehicle is left unattended on public property or right-of-way without movement for a period of over twenty-four hours;
- (5) 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;
- (6) When an officer of the police department has reason to believe that an unoccupied or unattended vehicle parked on public property or right-of-way is in danger of being stripped, stolen, or vandalized, or where there is reason to believe the vehicle has been abandoned;
- (7) When a wrecked and unattended vehicle has been left on public property; or
- (8) When an unattended vehicle is parked on public property or right-of-way and does not display current license plates.

#### **10.20.020 Parking for more than 24 hours.**

A. No person shall park any automobile, truck, motorcycle, RV, motorhome, or trailer upon any public street, alley, or parking strip of the city for a continuous period longer than 24 hours.

B. In addition to the civil penalty imposed by this chapter, any vehicle parked in violation of this section is deemed to constitute a hazard or obstruction to traffic or is deemed an abandoned vehicle and may be impounded as provided in BDMC 10.16.

**10.20.030 Parking for certain purposes prohibited.**

A. No person shall park, stop, place, or leave standing any vehicle, or cause any vehicle to be parked, stopped, placed, or left standing, upon any public street, right-of-way, or public property located within the city limits for the purpose of:

(a) Displaying advertising unless the display complies with the city sign code then in effect;

(b) Displaying such vehicle for sale;

(c) Selling merchandise from such vehicle, except when duly licensed to engage in such business;

(d) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency, if such activity might reasonably be expected to result in an illicit discharge under BDMC 14.04.390.

B. Subsection A shall not prohibit any person from selling, displaying for sale, or offering for sale a vehicle on private property, provided the person owns or occupies the property or has written permission of the property owner, authorized agent of the property owner or the person in lawful possession of such private

**10.20.040 Additional prohibited locations.**

Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or fire department personnel, no person shall park:

A. In front of a public or private driveway or alley in such a position as to block the entrance to any abutting property, or in any area signed or marked for no parking, except momentarily to pick up or discharge a passenger or passengers;

B. In a manner that obstructs traffic on any street or leaves available less than ten feet of the width of the roadway for free movement of vehicular traffic, except for the minimum amount of time necessary for loading or unloading in designated loading zones;

C. Within 10 feet of a mailbox, except momentarily to pick up or discharge a passenger or passengers;

D. In a designated fire lane, defined as the area within any public right-of-way, public or private easement, or public or private property designated for fire trucks, hydrants other firefighting equipment, emergency equipment, or use by emergency vehicles to travel upon and/or park; or

E. In any areas posted No Parking.

**10.20.060 Overhang of vehicles.**

No person shall park any vehicle in any private parking area or private yard in such a manner as to leave any part of such vehicle overhanging into any public right-of-way, including sidewalks and pathways.

**10.20.070 Oversized vehicles.**

No vehicle exceeding in width seven and one-half feet, or in length exceeding 20 feet, shall be parked on any street in the city for a period exceeding one hour, except for the expeditious loading or unloading of articles and materials such as moving vans or other commercial vehicles on regular delivery or service calls.

**10.20.080 Lake Sawyer Boat Launch**

A vehicle may park at the Lake Sawyer Boat Launch Park on SE 296th Street in accordance with Chapter 10.04 of the Black Diamond Municipal Code.

**10.20.090 Violations and penalties.**

A violation of any provision of this chapter constitutes a civil infraction and shall be assessed a monetary penalty of fifty dollars per infraction.