

# City of Spokane

## Parking Ordinance Documents

Updated / Revised 9/12/2003

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## **DEFINITIONS:**

### **15.02.020 Idling Defined.**

"Idling" means the running of an engine which supplies the motive power for a vehicle, when not for the purpose of moving the vehicle with the normal flow of traffic on a street or roadway. Idling does not include running the vehicle's engine while stopped at a traffic signal or waiting for the passage of other vehicles to permit safe entry into the flow of traffic. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

### **15.02.030 Central Business District Portion of Nonattainment Area -- Carbon Monoxide.**

The CBD portion of the nonattainment area for carbon monoxide is that area designated by the following boundaries: Spokane River on the north, east side of Division on the east, I-90 Freeway on the south, and the west side of Madison on the west. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

### **16.04.020 Alley.**

"Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

### **16.04.030 Arterial Highway.**

"Arterial highway" means every public highway, or portion thereof, designated as such by proper authority. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

### **16.04.040 Authorized Emergency Vehicle.**

"Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state patrol, or any other vehicle authorized in writing by the state patrol. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

### **16.04.072 Bus.**

"Bus" means municipal transit vehicle as defined in RCW 46.04.355, or the equivalent provisions of this title. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

### **16.04.080 Business District.**

"Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or other office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

### **16.04.100 Center Line.**

"Center line" means the line, marked or unmarked, parallel to and equidistant from the sides of a two-way traffic roadway of a highway, except where otherwise indicated by painted lines or markers. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

### **16.04.110 Center of Intersection.**

"Center of intersection" means the point of intersection of the center lines of the roadway of intersecting public highways. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

### **16.04.120 City Street.**

"City street" or "street" means every public highway, or part thereof, located within the limits of the city, except alleys. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.140 Commercial Vehicle.**

"Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.141 Congested District.**

"Congested district" means the area bounded as follows:

On the north by the Spokane River;

On the west by the west line of Adams Street;

On the south by the south line of Third Avenue from the west line of Adams Street to the east line of Washington Street; and by the north line of the several viaducts of the Burlington Northern Railway Company, from the east line of Washington Street to the east line of Division Street;

On the east by the east line of Washington Street from the south line of Third Avenue to the north line of the Burlington Northern Railway Company's viaduct, and by the east line of Division Street from the north line of the Burlington Northern Railway Company's viaduct to the Spokane River.

The said congested district shall also include Monroe Street, from Main Avenue to Mallon Avenue; both sides of Riverside, Sprague and First Avenues from Adams Street to Cedar Street; and both sides of Cedar Street from Sprague Avenue to the north line of the Burlington Northern Railway Company's viaduct. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.145 Congested District, Retail Zone.**

"Retail zone of the congested district" means all the area within the congested district bounded as follows:

On the north by the north line of Spokane Falls Boulevard;

On the west by the west line of Monroe Street;

On the south by the south line of Second Avenue from Monroe Street to Washington Street, and the south line of First Avenue from Washington Street to Bernard Street;

On the east by the east line of Washington Street from Second Avenue to First Avenue, and by the east line of Bernard Street from First Avenue to Spokane Falls Boulevard. The said retail zone shall also include both sides of Monroe Street from Main Avenue to Broadway, also both sides of Riverside Avenue, Sprague Avenue and First Avenue from Madison Street to Monroe Street, and both sides of Post Street from Spokane Falls Boulevard north to the Post Street bridge. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.160 Crosswalk.**

"Crosswalk" means the portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.161 Curb.**

"Curb" means the lateral boundaries of that portion of the street designated or intended for the use of vehicles, whether marked by curbing construction or not. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.190 For Hire Vehicle.**

"For hire vehicle" means any motor vehicle used for the transportation of persons for compensation, except auto stages and ride-sharing vehicles. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

Ride-sharing vehicles defined: RCW 46.74.010

**16.04.194 Garbage Truck.**

"Garbage truck" means a truck specially designed and used exclusively for garbage or refuse operations. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.220 Intersection Area.**

(1) "Intersection area" means the area embraced within the prolongation or connection of the lateral curblines, or, if none then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway shall not constitute an intersection. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.240 Intersection Control Area.**

"Intersection control area" means intersection area, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.271 Loading Zone, Commercial.**

"Commercial loading zone" means a designated portion of the street along the curb reserved for use of authorized and identified vehicles to load and unload commodities, merchandise, produce, freight and animals. The terms "loading zone, commercial," and "commercial loading zone" shall have the same meaning and, unless otherwise described or appearing in the context, shall include the term "loading zone" wherever used. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.272 Loading Zone, Passenger.**

"Passenger loading zone" means a designated portion of the street along the curb reserved for use in loading and unloading persons, and which meaning includes that the vehicle so using said designated zone shall be attended by an operator thereof. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.280 Local Authorities.**

"Local authorities" includes every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.290 Marked Crosswalk.**

"Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.381 Park or parking.**

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.420 Private Road or Driveway.**

"Private road or driveway" includes every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.470 Residence District.**

"Residence district" means the territory contiguous to and including a public highway not comprising a business district, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.500 Roadway.**

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles. In the event a highway includes two or more separated roadways, the term "roadway" shall refer to any such roadway separately but shall not refer to all such roadways collectively. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.510 Safety Zone.**

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so as to be plainly discernible. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.540 Sidewalk.**

"Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians, or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.555 Stand or Standing.**

"Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.566 Stop or Stopping.**

"Stop or stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.04.670 Vehicle.**

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds shall not be considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall not be considered vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW, or the equivalent provisions of this title. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

Mopeds helmet required: RCW 46.37.530, 46.37.535  
motorcycle endorsement, exemption: RCW 46.20.500  
operation and safety standards: RCW 46.61.710, 46.61.720  
registration: RCW 46.16.630

**16.08.050 Duties of the Traffic Engineer.**

The traffic engineer shall have the authority to erect all traffic regulatory signs required by this code, whether the authority is expressly contained in a section within this title or not. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**12.01.1204 Commercial Driveway Defined.**

All driveways hereafter constructed, reconstructed, or altered, which are used or intended to be used for commercial purposes, or where the public is invited to use such driveways as a means of access to any commercial enterprise, shall comply with the requirements of this article. (Res. of June 12, 1940, Sec. 2)

**12.01.1206 Commercial Driveway -- Width -- Spacing.**

A. The width of any such driveway defined in Section 12.01.1204 shall not be less than twelve feet nor more than thirty feet, including radii, slopes, or connections to the normal or established curb grade.

B. No such driveway shall be constructed within a distance of less than five feet from the extended property line of an intersecting street at any street intersection, nor within a distance of less than five feet from any crosswalk as defined in Section 16.04.160. (Res. of June 12, 1940, Sec. 3)

**12.01.1208 Commercial Driveway -- Total Width -- Frontage.**

A. The total width of all the driveways defined in Section 12.01.1204 entering from any street or streets shall not exceed forty percent of the frontage of the property contained in one ownership or leasehold served by such driveways and fronting on or adjoining such street or streets.

B. This section shall not prohibit one driveway having a width of twelve feet for each such ownership or leasehold.

C. Whenever it is possible, without reducing the number of car parking spaces otherwise available under the provisions of this section, an additional four feet (that is, two feet on each side of the driveway from the top of the slope to the bottom) shall be allowed for each driveway to provide for the construction of radii, slopes, or connections to the normal or established curb grade. (Res. of June 12, 1940, Sec. 3)

## **PARKING ORDINANCES:**

### **15.02.040 Excessive Idling Prohibited.**

(1) Excessive idling in the Central Business District Portion of the Nonattainment Area Prohibited. Unless permitted by subsection (2) of this section it is unlawful for the operator of any vehicle powered by an internal combustion engine while located in the CBD portion of the nonattainment area to cause said engine to idle for a period longer than sixty seconds.

(2) Idling Permitted.

To the extent necessary for the specified purpose, idling is permitted in the following cases:

- (a) police, sheriff or other law enforcement vehicles, including meter patrols, as required for safe and effective performance;
- (b) fire department vehicles, ambulances and other emergency vehicles when responding to an emergency or when the use of special equipment requires that the engines remain in operation;
- (c) construction or demolition equipment or other machinery when actually employed at the site of such work, and only to the extent necessary for efficient operation;
- (d) trucks, buses, or automobiles equipped with lift gates, winches, or other devices powered by take-offs from their engines, to the extent necessary to allow use of those devices provided; provided, however, that this subsection does not authorize idling solely for the purpose of operating any heating device, radio, power-assisted brakes, steering, seat adjustment or any luxury device not then required for safe operation of the vehicle;
- (e) vehicles participating in parades if licensed under Chapter 10.39;
- (f) buses or other mass transit vehicles while operated on a regular schedule;
- (g) insofar as necessary for diagnosis, adjustment, or testing, vehicles undergoing repair or maintenance; but only when on the premises of the owner or person performing the work;
- (h) any vehicle when required in an emergency for the protection of life, health, or property.

(3) Notices.

The traffic engineer shall cause to be placed such notices as he may deem necessary to inform drivers of the prohibition against excessive vehicle idling; however, actual knowledge of the prohibition is not an element of an offense under this chapter. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

### **16.16.381 Special parking privileges for disabled persons--Penalties for unauthorized use or parking.**

- (1) [Reserved]
- (2) [Reserved]
- (3) [Reserved]
- (4) [Reserved]
- (5) [Reserved]
- (6) [Reserved]
- (7) [Reserved]

(8) Any unauthorized use of the special [disabled person] placard special license plate, or photo identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

(9) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a person to make inaccessible the access aisle located next to a space reserved for physically disabled persons or the space itself. The clerk of the court shall report all violations related to this subsection to the department.

**16.16.381 Special parking privileges for disabled persons--Penalties for unauthorized use or parking. (continued)**

(10) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under RCW 46.16.381. The City of Spokane, in providing non-metered on-street parking places reserved for physically disabled persons, may impose time restrictions of no less than four hours on the use of these parking places. The City of Spokane may impose time restrictions of no less than four hours on the use of non-reserved, on-street parking spaces by vehicles displaying the special parking placards. All time restrictions must be clearly posted.

(11) The penalties imposed under subsections (9) and (10) of this section shall be used exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the City for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(12) Except as provide by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate placard, or photo identification card in a manner other than that established under RCW 46.16.381, or the equivalent provisions of this title.

(13) [Reserved]

(14) [Reserved]

(15) [Reserved].

(Chap. 294, Laws of 1998 [SB6190]) ORD C32198, Passed On: 1998/06/15, Effective: 1998/06/11

**16.61.035 Authorized emergency vehicles.**

(1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this chapter;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limits so long as he does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190, except that:

(a) an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle;

(b) authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.61.560 Stopping, standing, or parking outside business or residence districts.**

(1) Except as specifically allowed by City ordinance or permit, no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

**16.61.560 Stopping, standing, or parking outside business or residence districts.  
(continued)**

(2) Subsection (1) of RCW 46.61.560 and Sections 46.61.570 and 46.61.575, or the equivalent provisions of this title, do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590, or the equivalent provisions of this title.

(3) Subsection (1) of this section or of RCW 46.61.560 does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone.

(4) Subsection (1) of RCW 46.61.560 and Sections 46.61.570 and 46.61.575, or the equivalent provisions of this title, do not apply to the driver of a

(a) solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030 [36.58.040], or

(b) municipal solid waste collection or recycling vehicle.(Ord. C-31398)

Passed: 1995/06/05 Effective On: 1995/07/05

Rules of court: Monetary penalty schedule--IRLJ 6.2; Limited access highways: RCW 47.52.120; Unattended motor vehicles: RCW 46.61.600

**16.61.561 Parking time limited and regulated.**

(1) No vehicles shall be parked continuously in any one block upon any public street or highway in this city at any time for a period longer than twelve hours.

(2) Between the hours of nine a.m. and five p.m. on weekdays, no vehicle shall be parked continuously in any one block upon any street within that portion of the retail zone of the congested district lying north of the Burlington Northern Railway Company's viaduct for a period longer than one hour, nor in that portion of the retail zone of the congested district lying south of the Burlington Northern Railway Company's viaduct for a period longer than two hours, nor in any one block upon any street within the congested district outside the retail zone of the congested district for a period longer than three hours; provided, the city council may fix a shorter or longer time for parking in reserved and other restricted parking places established under the provisions of this code, the same to be effective when properly signed and posted by the City traffic engineer.

(3) Between the hours of nine a.m. and six p.m., Monday through Saturday, no vehicle shall be parked within the parking meter area (as authorized by Section 16.61.5902 ) bounded by Sprague Avenue, Lincoln Street, Spokane Falls Boulevard and Washington Street, inclusive of such boundary streets, at a space from which the parking meter has been removed for a period longer than two hours. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05 [Formerly Section 16.61.541]

**16.61.562 Parking non-passenger vehicles in residence zones.**

No street right-of-way in an R zone of the City of Spokane, or which is the boundary of any R zone, shall be used for the habitual parking of any auto stage, farm vehicle, for-hire vehicle, limousine, motor home, motor truck, private carrier bus, road tractor, semitrailer trailer, park trailer, travel trailer, tractor, truck tractor, boat, or any other commercial vehicle. This section does not prohibit on-street parking of a passenger vehicle, motorcycle, or motor-driven cycle. (ORD C-32950) Passed: 2001/11/26 Effective: 2002/01/03 [Formerly Section 16.61.542]

**16.61.563 Parking in alley regulated.**

No vehicle shall be parked in any alley other than for the expeditious loading and unloading of commodities, or where there is a driver at the wheel capable of moving the same, and in such instances only for a period not to exceed thirty consecutive minutes, except that the City traffic engineer may grant special permission in exceptional cases requiring additional time for loading and unloading. No vehicle shall be parked so as to prevent the free passage of other vehicles through an alley, except upon written permission by the City traffic engineer. (Ord. C-32762) Passed: 2000/12/11 Effective On: 2001/01/01 [Formerly Section 16.61.552 ]

**16.61.564 Parking restricted for snow removal or street repair.**

(1) It is unlawful for any person to park or leave parked a vehicle upon any street or highway within the City of Spokane after public notice has been given by the City by way of press, radio and/or television, or by other notice to the occupants in the neighborhood, that the City intends to remove snow therefrom.

(2) It is unlawful for any person to park or leave parked a vehicle upon any street or highway within the City of Spokane after public notice has been given by the City by way of press, radio and/or television, or by other notice to the occupants in the neighborhood, that street construction or repair will take place in that street.

(3) A vehicle parked in violation of this section may be impounded and towed away by the City or the City's contractor. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05 [Formerly 16.61.544 ]

**16.61.565 Parking in such manner as to obstruct traffic.**

It is unlawful for any person to park, or leave parked, a vehicle upon any street or highway within the city unattended in such a position that it constitutes an obstruction to traffic, blocks the use of a fire hydrant, or constitutes a danger to travel. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05 [Formerly Section 16.61.595 ]

**16.61.566 Standing at angle to curb and backing to curb prohibited.**

Unless otherwise posted no vehicle shall stand backed to the curb or at an angle to the curb on any public street or highway in the City of Spokane. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05 [Formerly Section 16.61.550]

**16.61.567 Prohibited parking practices.**

No person shall stand or park a vehicle upon any roadway for the purpose of displaying it for sale or for advertising purposes, or for lubricating or repairing such vehicle, except repairs necessitated by emergency. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05 [Formerly Section 16.61.569 ]

**16.61.570 Stopping, standing, or parking prohibited in specified places--Reserving portion of highway prohibited.**

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

- (a) Stop, stand, or park a vehicle:
  - (i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (ii) On a sidewalk or street planting strip;
  - (iii) Within an intersection;
  - (iv) On a crosswalk;
  - (v) Between a safety zone and the adjacent curb or within thirty 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;
  - (vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

**16.61.570 Stopping, standing, or parking prohibited in specified places--Reserving portion of highway prohibited. (continued)**

- (a) (vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (viii) On any railroad tracks;
- (ix) In the area between roadways of a divided highway including crossovers; or
- (x) At any place where official signs prohibit stopping.
- (b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- (i) In front of a public or private driveway, public alley, or within five feet of the end of the curb radius leading thereto;
- (ii) Within fifteen feet of a fire hydrant;
- (iii) Within twenty feet of a crosswalk;
- (iv) 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;
- (v) 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 said entrance when properly signposted; or
- (vi) At any place where official signs prohibit standing, or
- (vii) in a no-parking area at Spokane International Airport as designated by the airport board.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
- (i) Within fifty feet of the nearest rail of a railroad crossing; or
- (ii) At any place where official signs prohibit parking.

(2) 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 at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the secretary of transportation upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right. (Ord. C-33950) Passed: 2001/11/26 Effective On: 2002/01/03

Rules of court: Monetary penalty schedule--IRLJ 6.2.

Limited access highways: RCW 47.52.120.

**16.61.5701 Establishment of special parking zones.**

To facilitate the movement of traffic, to eliminate congestion and danger, and to promote and maintain a more effective use of the streets and highways, the City traffic engineer may establish loading zones, safety zones, passenger loading zones, danger zones, bus stops, and other restricted parking places, from time to time, at such locations on the public streets and highways as may be in the interest of public safety and convenience, and direct that the same be designated by appropriate signs or other markers. (Ord. C-32762) Passed: 2000/12/11 Effective On: 2001/01/01 [Formerly Section 16.61.554]

**16.61.5702 Taxicab zones.**

(1) The City traffic engineer may, on written application, designate and set aside places on the public streets and highways of the City where taxicabs or other vehicles carrying passengers for hire solely within the city limits may stand for public patronage. All applications for space for such purpose shall be accompanied by the consent in writing of the occupant of the first floor of the building in front of which it is desired that such space be reserved for the applicant.

**16.61.5702 Taxicab zones. (continued)**

(2) All places set aside under subsection 16.61.5702(1) shall be indicated by standards or other suitable signs erected at or near the curb, and under the direction of the City traffic engineer. Such standards shall bear words stating the use for the space. All reserved space permits may be revoked at any time by the City traffic engineer. The traffic engineer shall post notice for a period of ten days at the reserved space, indicating revocation of the permit and where opposition of the revocation may be filed. The decision to revoke a reserved space permit shall be discretionary by the traffic engineer. (Ord. C-32762) Passed: 2000/12/11 Effective On: 2001/01/01 [Formerly Sections 16.61.555 and 16.61.556]

**16.61.5703 Commercial loading zones.**

(1) Occupying Commercial Loading Zone, When Prohibited.

It is unlawful for any vehicle, other than an authorized and identified vehicle that is then and there being used in commerce or trade, to occupy any commercial loading zone within the city during the hours indicated on the signs marking such zones.

(2) Permit for Authorized Vehicles -- Conditions for Issuance.

Permits for authorized vehicles shall be issued by the City upon application therefor and the paying of the fee as established in Section 8.02.083. The application for the permit shall identify the vehicle and owner thereof as is set out in the Washington State vehicle registration certificate for said vehicle; the license plate number thereof; the name and nature of the business performed in commerce or trade to which use the vehicle has been assigned; a statement by the owner, or authorized agent thereof, that the vehicle is a commercial vehicle and is used exclusively for commercial purposes during business hours of eight a.m. to six p.m.

(3) Permit.

The permit shall have an exclusive file number; contain the name and address of the owner and the identification of the vehicle as is set out in the Washington State vehicle registration certificate for said vehicle; the license plate number thereof; the name and nature of the business performed in commerce or trade to which use the vehicle has been assigned; and shall be present within or upon the vehicle at all times when occupying a commercial loading zone, and shall be displayed to any officer or person authorized to enforce the parking laws of the City upon request therefor.

(4) Identifying Sign.

The City shall issue to the applicant, with the permit, an identifying decal which shall be prominently displayed on the vehicle for which it was issued, in the front windshield thereof at the lower left-hand corner. The identifying decal shall be in such form as prescribed by regulation by the director of traffic engineering.

(5) Out of State Vehicles -- Permits.

Any vehicle licensed and registered in a state other than the State of Washington will qualify for a permit by providing in the application therefor the identifying information that would be required and provided in a Washington State vehicle registration certificate.

(6) Permit -- Annual -- Special Permits.

Each permit issued shall be valid until December 31st of the year in which it was issued except that the traffic engineering director, in limited and exceptional circumstances involving a vehicle performing a service in commerce as defined in this title that is isolated and limited to a single occasion, may issue a special permit for a period not to exceed twenty-four hours.

(7) Use of Loading Zones -- Time Limitations.

(a) Commercial loading zones shall be for exclusive use by commercial vehicles in loading and unloading commodities in trade or commerce during the hours indicated on the signs marking such zones. During these hours such zones are designated as commercial loading zones. At all other hours and times such loading zones shall be for general use under the parking regulations applicable to the district in which they are located.

(b) No vehicle shall occupy a commercial loading zone other than for expeditious loading and unloading of commodities. No vehicle shall occupy a commercial loading zone for more than thirty consecutive minutes; provided, the traffic engineering director may grant special permission in exceptional cases requiring additional time for loading and unloading.

**16.61.5703 Commercial loading zones. (continued)**

(7) (c) Permits for creating special loading zones for use by commercial vehicles and vehicles while engaged in services in conjunction with public utilities, construction and maintenance, and special parking zones for use by official clearly identifiable news media vehicles and clearly identified vehicles of charitable nonprofit service organizations may be issued by the traffic engineering director, in accordance with rules and regulations established by the director. Parking meter bags provided by the traffic engineering director shall be used by the permittees to create, in the case of commercial vehicles, a special loading zone in a regular parking space for a time period normally not exceeding thirty minutes for the purpose of expeditiously loading and unloading commodities, and in the case of news media vehicles a special parking zone in a regular parking space for a period normally not exceeding one hour for the purpose of news reporting activities, and in the case of charitable nonprofit service organizations a special parking zone in a regular parking space for a period normally not exceeding one hour for the purpose of performing charitable services for the benefit of the inhabitants of the city. These parking meter bags shall not be placed on meters in loading or restricted zones or on meters of less than a one-hour time limit and shall contain thereon a card which identifies the permittee and the date and time of placement of the bag. Parking meter bags shall be locked in place by the permittee.

(8) Violation of proper parking meter bag use shall result in the bag being removed from the meter, cancellation of the permit and forfeiture of the bag deposit. Rates to be charged for parking meter bags shall be as set out in Section 8.02.083.

(9) An official vehicle of the United States Postal Service will be regarded as an "authorized and identified" vehicle while occupying a commercial loading zone for the purpose of mail delivery or collection for up to fifteen minutes. (Ord. C-33112) Passed: 2002/11/18 Effective On: 2002/12/26

**16.61.5704 Use of passenger zones.**

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading and unloading of passengers in any loading zone during the hours indicated on the sign designating the same, and then only for a period not to exceed three minutes, but the vehicle shall be attended by the driver. Clearly identified vehicles of charitable nonprofit service organizations may occupy a passenger loading zone for a period not to exceed fifteen minutes for the purpose of rendering assistance to a disabled individual being transported thereby, provided that a parking meter bag be displayed prominently in or upon the parked vehicle. (Ord. C-32707) Passed: 2000/09/05 Effective On: 2000/10/05 [Formerly Section 16.61.558 ]

**16.61.5705 Taxicab and buses to park only in designated stands--Rights of other vehicles in such zones.**

(1) The driver of a bus or taxicab shall not stand or park upon any public street or highway in the congested district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of, and while actually engaged in, loading or unloading passengers.

(2) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed by the City traffic engineer, except the driver of a passenger vehicle may temporarily stop therein for the purpose and while actually engaged in loading passengers, when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (Ord. C-32762) Passed: 2000/12/11 Effective On: 2001/01/01 [Formerly Section 16.61.559 ]

**16.61.5706 No parking in fire lane.**

No person may park a vehicle in a fire lane.

(Ord. C-32950) Passed: 2001/11/26 Effective On: 2002/01/03

**16.61.575 Additional parking regulations.**

(1) Except as otherwise provided in this section, 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 twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, 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 twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the secretary of transportation has determined by order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The secretary with respect to highways under his or her jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where the secretary has determined by 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. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.61.581 Indication of parking space for disabled persons--Failure, penalty.**

A parking space or stall for a disabled person shall be indicated by a vertical sign, between thirty-six and eighty-four inches off the ground, with the international symbol of access, whose colors are white on a blue background, described under RCW 70.92.120 and the notice "State disabled parking permit required." Failure of the person owning or controlling the property where required parking spaces are located to erect and maintain the sign is a class 2 civil infraction under chapter 7.80 RCW for each parking space that should be so designated. The person owning or controlling the property where the required parking spaces are located shall ensure that the parking spaces are not blocked or made inaccessible, and failure to do so is a class 2 civil infraction. (ORD C32198), Passed On: 1998/06/15, Effective: 1998/07/15 (Chap. 294, Laws of 1998 [SB6190])

**16.61.582 Free parking by disabled persons.**

Any person who meets the criteria for special parking privileges under RCW 46.16.381 shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section or RCW 46.61.582 does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special placard or license plate under RCW 46.16.381 to be eligible for the privileges under this section. Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.61.583 Special plate or card issued by another jurisdiction.**

A special license plate or card issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to the same overtime parking privileges granted under this chapter to a vehicle with a similar special license plate or card issued by this state. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05

**16.61.590 Unattended Motor Vehicle -- Removal from Highway.**

It is unlawful for the operator of a vehicle to leave the vehicle unattended within the limits of any highway unless the operator of the vehicle arranges for the prompt removal of the vehicle. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05  
Towing and impoundment: Chapter 46.55 RCW

**16.61.5902 Parking meter areas.**

Parking meters, subject to designated time limits, as provided in Section 16.61.5910, are authorized within the following areas of the City of Spokane: Beginning at the point of intersection of the east line of Division Street with the north line of Boone Avenue; thence south along the east line of Division Street to the southerly line of the Spokane River; thence easterly along the southerly line of the Spokane River to the north-south half section line of Section 17, Township 25, Range 43; thence south along the north-south half section line of Section 17, Township 25, Range 43 to the northerly line of the Burlington Northern Santa Fe Railroad; thence westerly along the northerly line of the Burlington Northern Santa Fe Railroad to the east line of Division Street; thence south along the east line of Division Street to the south line of Sixth Avenue; thence west along the south line of Sixth Avenue to the west line of Wall Street; thence north along the west line of Wall Street to the south line of Fifth Avenue; thence west along the south line of Fifth Avenue to the west line of Monroe Street; thence north along the west line of Monroe Street to the south line of Third Avenue; thence west along the south line of Third Avenue to the west line of Cedar Street; thence north along the west line of Cedar Street to the south line of First Avenue; thence west along the south line of First Avenue to the east line of Walnut Street; thence north along the east line of Walnut Street to the north line of Riverside Avenue; thence easterly along the north line of Riverside Avenue to the east line of Cedar Street; thence north along the east line of Cedar Street and the east line of Cedar Street extended to the north line of Ohio Avenue; thence east along the north line of Ohio Avenue to the west line of Cedar Street; thence north along the west line of Cedar Street to the north line of Broadway; thence east along the north line of Broadway to the west line of Adams Street; thence north along the west line of Adams Street to the north line of Boone Avenue; thence east along the north line of Boone Avenue to the east line of Division Street, which is the point of beginning; Also beginning at the intersection of the east line of McClellan Street with the north line of Eighth Avenue; thence east along the north line of Eighth Avenue to the west line of Cowley Street; thence south along the west line of Cowley Street and the extended west line of Cowley Street to the south line of Rockwood Boulevard; thence westerly along the south line of Rockwood Boulevard to its intersection with the south line of Ninth Avenue; thence west along the south line of Ninth Avenue to the extended east line of McClellan Street; thence north along the east line of McClellan Street to the point of beginning; Also in any City-owned public parking lot within or adjacent to either the congested district or any other area wherein parking meters are otherwise permitted; and Also those areas in Spokane International Airport and Felts Field designated by the airport board as provided in Section 12.03.0602. (Ord. C-32950) Passed: 2001/11/26 Effective On: 2002/01/03

**16.61.5904 Installation.**

The City traffic engineer, subject to the approval of the city manager, is hereby authorized and directed to install or place parking meters in the parking meter areas at the places designated by said City traffic engineer. Such parking meters shall be placed upon the curb alongside of or next to individual parking place to be designated as hereinafter provided. Each parking meter shall be installed and set to an indication showing legal parking upon deposit therein of the proper coin or coins of the United States and upon putting the meter in operation, as indicated by instructions on said meter. At expiration of the parking period purchased by the coin(s), a change in indication shall indicate expiration of parking period. (Ord. C-32950) Passed: 2001/11/26 Effective On: 2002/01/03 Formerly Section 16.61.583

**16.61.5906 Parking spaces marked--Must park in stalls.**

The City traffic engineer is instructed to have lines or markings painted or placed upon the curb and/or upon the street adjacent to each parking meter, for the purpose of indicating the parking space from which said meter is to be used, and each vehicle parked alongside of or next to any parking meter shall park within the lines or markings so established. It is unlawful and a violation of this code to park any vehicle across any such line or marking or to park such vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings. (Ord. C-32762) Passed: 2000/12/11 Effective On: 2001/01/01 [Formerly Section 16.61.584 ]

**16.61.5908 Method of parking.**

When a parking space in any parking meter area is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be so parked so that the foremost part of such vehicle shall be alongside of and nearest to the parking meter. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05 [Formerly Section 16.61.585 ]

**16.61.5910 Parking time limit--Deposit of coins--Maximum parking time--Certain holidays excepted--Parking permit.**

(1) The time limit for parking on streets and avenues of the City within the areas designated for the installation of parking meters and where such meters are actually installed is

- (a) ten minutes;
- (b) fifteen minutes;
- (c) thirty minutes;
- (d) one hour;
- (e) one hundred minutes;
- (f) two hours;
- (g) three hours; and
- (h) ten hours,

as determined by the traffic engineer. A parking meter fee shall be paid by all persons parking a motor vehicle within any metered parking space in the area designated in Section 16.61.5902. A sign or legend installed on each meter indicates the fee and the time for which parking is permitted.

(2) In those parking meter spaces where parking meters are in operation, designed for the deposit of United States coins, as designated on the parking meter, the operator of the vehicle shall, upon entering a metered parking space, immediately deposit the required coin or coins up to the maximum legal parking times and put the meter in operation.

(3) The fees for parking in a metered space are as provided in Section 8.02.083. Only those denominations and combinations of coins may be used which are indicated to be acceptable by the legend affixed to the meter. In any case the time given for the deposit of any coin is subject to the amount of unexpired time available on and indicated by the meter.

(4) If a vehicle shall remain parked in said parking space beyond the legal parking time displayed on the meter, an indication on the meter will signify expiration of the time purchased. The presence of a vehicle in a stall with its parking meter indicating expiration of legal parking time shall be a violation of this title and subject the registered owner and/or operator to liability as hereinafter set forth.

(5) Except for metered spaces at Spokane International Airport and Felts Field as authorized by Sections 12.03.0600 and 12.03.0602, parking meter space may be used without charge during all hours on Sundays, New Years Day, Martin Luther King, Jr.'s Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and on the Monday following, or the Friday preceding said holidays where designated a national holiday for observance. Any metered parking space may, unless otherwise designated by sign or legend on or adjacent thereto, be occupied for the legal time limit without payment of fee between the hours of six p.m. and nine a.m. (ORD C-32950) Passed: 2001/11/26 Effective: 2002/01/03

**16.61.5914 Feeding meter beyond maximum parking time.**

It is unlawful and a violation of this title for any person to deposit or cause to be deposited in a parking meter a coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal maximum parking time which has been established for the parking space adjacent to which said parking meter is placed. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05 [Formerly Section 16.61.588]

**16.61.5916 Unlawful to park against meter indication.**

It is unlawful and a violation of this code for any person to permit a vehicle to remain or be placed in any parking space adjacent to any parking meter while said parking meter is displaying a signal indicating "no parking" (by symbol or words), "fail", "jam", or "out of order". (Ord. C-32950) Passed: 2001/11/26 Effective On: 2002/10/03

**16.61.5918 Must use lawful coins.**

It is unlawful to deposit, or cause to be deposited, in any parking meter any slug, device or substitute for a coin of the United States. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05 [Formerly Section 16.61.591 ]

**16.61.5921 No parking at hooded meter.**

No person may park a vehicle in a stall the meter for which is hooded.  
(Ord. C-32950) Passed: 2001/11/26 Effective On: 2002/01/03

**16.61.5922 Penalties.**

The penalties for each violation of the provisions of Sections 16.61.560 through 16.61.5921 shall be as provided in Section 8.02.083. (Ord. C-31398) Passed: 1995/06/05 Effective On: 1995/07/05 [Formerly Section 16.61.597]

**16.61.5924 Failure to comply with notice of violation**

- (1) If no response or payment is made within fifteen calendar days of the date of the issuance of the notice of infraction, the municipal court shall mail a delinquency notice to the registered owner of the vehicle informing him/her of the violation.
- (2) If no response or payment is made within ten calendar days of the date of mailing of the delinquency notice, the municipal court may attach additional penalties to the infraction including a notice to Department of Licensing as provided in RCW 46.20.2709(3) and the City may pursue such other remedies as provided by ordinance. (Ord. C-32950) Passed: 2001/11/26 Effective On: 2002/10/03

### 08.02.083 - Traffic Code

#### A. Commercial Loading Zones.

The fee for a permit and identifying decal authorizing a commercial vehicle to occupy a loading zone is:

1. one hundred dollars per year;
2. fifty dollars for the rest of the year when issued after June 30<sup>th</sup>;
3. fifteen dollars for a single occasion permit;
4. fifteen dollars for a transfer.

#### B. Special Loading Zones.

The rates for parking meter bags, in addition to a twenty-five dollars returnable bag deposit, are:

1. Commercial:
  - a) annually, five hundred fifty dollars per bag;
  - b) monthly, one hundred twenty-five dollars per bag;
  - c) daily, fifteen dollars per bag;
2. News Media: annually, one thousand dollars for the first bag and five hundred dollars for each additional bag;
3. Charitable Nonprofit: one hundred dollars per year per bag, with a maximum of two bags.

#### C. Removal of Parking Meters.

The fee charged a contractor for removal and reinstallation of a parking meter to accommodate construction work is sixty dollars.

#### D. Parking Meters.

1. The fee for parking in a metered space depends upon the time limit and location. The fees are indicated on the meters.

The fees for parking in a metered space are:

- a) in a ten-minute space, one cent per ten minutes;
  - b) in a fifteen-minute space, thirty cents per fifteen minutes;
  - c) in a thirty-minute space, sixty cents per thirty minutes;
  - d) in a one-hour space, one dollar per hour;
  - e) in a ninety-minute space, one dollar per hour;
  - f) in a two-hour space, either forty cents per hour or sixty cents per hour;
  - g) in a three-hour space, forty cents per hour;
  - h) in a ten-hour space, twenty cents per hour.
2. The coin or combinations of coins accepted by the meter will be indicated by a sign or legend for each space. Coins of denominations greater than the fee for the space may be accepted for the convenience of the motorist.

#### E. Motor Vehicle Violations.

1. The penalties for traffic infractions are provided by schedules adopted by court rule, or as specifically provided in Title 16 or state statute.
2. Unless otherwise provided, the basic penalties for parking infractions are:
  - a) Two hundred fifty dollars for disabled parking violations as provided in Section 16.16.381;
  - b) ten dollars for overtime parking at a meter (Section 16.61.5910);
  - c) thirty dollars for all others.
3. The additional penalty for failure to respond to a notice of traffic violation is twenty-five dollars.
4. There are, in addition, penalty assessments providee by state law.

#### F. Towing and Impound.

Towing, storage and related fees and charges by registered disposers are prominently posted on the disposers premises but are not directly regulated by the City. Some rates may be fixed by contract.

#### G. Criminal Violations.

The penalties for criminal traffic violations are as provided in the state traffic code.

#### H. Accident Reports.

The fee for furnishing copies of accident reports required by Chapter 46.52 RCW is as fixed from time to time by the mayor as provided in section 8.02.011.

### **08.02.083 - Traffic Code (continued)**

#### **I. Motorist Information Signs**

The fees for follow-through signs from the freeway to the motorist service business are

1. fifty dollars as the application processing fee;
2. one hundred dollars as the installation fee for each sign installed;
3. actual cost for purchasing the signs from the Washington Department of Transportation;
4. actual cost for maintenance, repairs and replacement; and
5. fifteen dollars as an assigned fee to transfer the permit to a new owner or operator.

(ORD C-32950) Passed: 2001/11/26 Effective: 2002/01/03

### **01.02.950 - General Penalty.**

- A. Under the constitution and laws of Washington, the Charter and general ordinances, the City has and hereby asserts the right to enforce the provisions of this code by all appropriate means, including actions and suits in the superior court and municipal court; and administrative proceedings for revocation of license or permit, for collection of penalty or recovery of costs of enforcement, for summary abatement of nuisance, and otherwise.
- B. Each of the following persons is liable for any penalty provided herein:
  1. A person doing an act which this code provides a person may not do;
  2. A person omitting to do an act which this code provides a person is required to do;
  3. A person committing an act or omission which this code provides to be unlawful; or
  4. A person otherwise violating this code. The principles of liability set forth in Sections 10.01.050, 10.01.070 and 10.01.080 for persons legally responsible for the conduct of another, for owners of property in the custody of others and for principals and agents apply equally in cases of civil and criminal liability.
- C. 1. The maximum civil penalties and default amounts, not including statutory assessments, for a violation of this code, unless otherwise provided by state law, are:
  - a. for a class 1 civil infraction, two hundred fifty dollars;
  - b. for a class 2 civil infraction, one hundred twenty-five dollars;
  - c. for a class 3 civil infraction, fifty dollars;
  - d. for a class 4 civil infraction, twenty-five dollars.2. Whenever a monetary penalty is imposed by a court under Chapter 1.05, it is immediately payable. If the person is unable to pay at that time, the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.  
3. The court may also order a person found to have committed a civil infraction to make restitution.
- D. 1. The maximum criminal penalty for a violation of this code is a fine of five thousand dollars, imprisonment for one year, or both such fine and imprisonment .
- E. 1. The penalties for violations of Title 16, both infractions and criminal offenses, are as fixed by statute, court rule, or Chapter 8.02.  
2. The penalties for violations of the City Penal Code, Title 10, Division I, Chapters 10.01 through 10.20, are as set forth in each section, or as provided in the statutory counterpart, or as otherwise provided.
- F. Unless otherwise provided, a violation of this code, except for a failure to pay a bill or other charge, is a misdemeanor.

(Ord. C-31589) Passed: 1996/03/25 Effective On: 1996/04/24

Cross-reference: Washington Constitution Article 4, Section 27; RCW 7.80.120; RCW 35.22.280; Chapter 5.03; Chapter 10.20.

Sect. C ONLY: (Ord C32021 Sect. 35)

Cross-reference: RCW 7.80.120

Passed: 1997/11/10

Effective: 1997/12/10

## **CHAPTER 7.80 RCW - CIVIL INFRACTIONS**

### **Sections**

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7.80.160 - Notice, failure to sign, nonappearance--Failure to satisfy penalty.

7.80.900 - Decriminalization of certain municipal ordinances.

7.80.901 - Effective date--1987 c 456 §§ 9-31.

### **RCW 7.80.005 Legislative finding--1987 c 456.**

The legislature finds that many minor offenses that are established as misdemeanors are obsolete or can be more appropriately punished by the imposition of civil fines. The legislature finds that some misdemeanors should be decriminalized to allow resources of the legal system, such as judges, prosecutors, juries, and jails, to be used to punish serious criminal behavior, since acts characterized as criminal behavior have a tremendous fiscal impact on the legal system.

The establishment of a system of civil infractions is a more expeditious and less expensive method of disposing of minor offenses and will decrease the cost and workload of the courts of limited jurisdiction. [1987 c 456 § 6.]

### **RCW 7.80.010 Jurisdiction of courts.**

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as civil infractions may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine pursuant to this chapter civil infractions that are established by municipal ordinance and that are committed within the jurisdiction of the municipality.

(3) Any city or town with a municipal court under chapter 3.50 RCW may contract with the county to have civil infractions that are established by city or town ordinance and that are committed within the city or town adjudicated by a district court.

#### **RCW 7.80.010 Jurisdiction of courts. (continued)**

(4) District court commissioners have the authority to hear and determine civil infractions pursuant to this chapter.

(5) Nothing in this chapter prevents any city, town, or county from hearing and determining civil infractions pursuant to its own system established by ordinance. [1987 c 456 § 9.]

#### **RCW 7.80.020 Issuance of process.**

Notwithstanding any other provision of law governing service of process in civil cases, a court of limited jurisdiction having jurisdiction over an alleged civil infraction may issue process anywhere within the state. [1987 c 456 § 10.]

#### **RCW 7.80.030 Training of judicial officers.**

All judges and court commissioners adjudicating civil infractions shall complete such training requirements as are promulgated by the supreme court. [1987 c 456 § 11.]

#### **RCW 7.80.040 "Enforcement officer" defined.**

As used in this chapter, "enforcement officer" means a person authorized to enforce the provisions of the title or ordinance in which the civil infraction is established. [1987 c 456 § 12.]

#### **RCW 7.80.050 Notice of infraction--Issuance, service, filing.**

(1) A civil infraction proceeding is initiated by the issuance, service, and filing of a notice of civil infraction.

(2) A notice of civil infraction may be issued by an enforcement officer when the civil infraction occurs in the officer's presence.

(3) A court may issue a notice of civil infraction if an enforcement officer files with the court a written statement that the civil infraction was committed in the officer's presence or that the officer has reasonable cause to believe that a civil infraction was committed.

(4) Service of a notice of civil infraction issued under subsection (2) or (3) of this section shall be as provided by court rule. Until such a rule is adopted, service shall be as provided in JTIR 2.2(c)(1) and (3), as applicable.

(5) A notice of infraction shall be filed with a court having jurisdiction within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. A notice of infraction not filed within the time limits prescribed in this section may be dismissed without prejudice. [1987 c 456 § 13.]

#### **RCW 7.80.060 Person receiving notice--Identification and detention.**

A person who is to receive a notice of civil infraction under RCW 7.80.050 is required to identify himself or herself to the enforcement officer by giving his or her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, including a driver's license or identicard.

A person who is unable or unwilling to reasonably identify himself or herself to an enforcement officer may be detained for a period of time not longer than is reasonably necessary to identify the person for purposes of issuing a civil infraction.

Each agency authorized to issue civil infractions shall adopt rules on identification and detention of persons committing civil infractions. [1987 c 456 § 14.]

#### **RCW 7.80.070 Notice--Determination final unless contested--Form.**

(1) A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided in this chapter.

**RCW 7.80.070 Notice--Determination final unless contested--Form. (continued)**

(2) The form for the notice of civil infraction shall be prescribed by rule of the supreme court and shall include the following:

- (a) A statement that the notice represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;
- (b) A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;
- (c) A statement of the specific civil infraction for which the notice was issued;
- (d) A statement of the monetary penalty established for the civil infraction;
- (e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;
- (f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that the person may subpoena witnesses including the enforcement officer who issued the notice of civil infraction;
- (g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;
- (h) A statement that the person must respond to the notice as provided in this chapter within fifteen days;
- (i) A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear;
- (j) A statement, which the person shall sign, that the person promises to respond to the notice of civil infraction in one of the ways provided in this chapter;
- (k) A statement that failure to respond to a notice of civil infraction as promised or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail. [1987 c 456 § 15.]

**RCW 7.80.080 Response to notice--Contesting determination--Mitigating circumstances--Hearing--Failure to respond or appear.**

(1) Any person who receives a notice of civil infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) If the person determined to have committed the civil infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of civil infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the civil infraction must be submitted with the response. The clerk of a court may accept cash in payment for an infraction. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.

(3) If the person determined to have committed the civil infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

**RCW 7.80.080 Response to notice--Contesting determination--Mitigating circumstances--Hearing--Failure to respond or appear. (continued)**

(4) If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

(5) The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of civil infraction:

(a) Fails to respond to the notice of civil infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section. [1987 c 456 § 16.]

**RCW 7.80.090 Hearings--Rules of procedure--Counsel.**

(1) Procedures for the conduct of all hearings provided in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary. [1987 c 456 § 17.]

**RCW 7.80.100 Hearings--Contesting determination that infraction committed--Appeal.**

(1) A hearing held for the purpose of contesting the determination that a civil infraction has been committed shall be without a jury and shall be recorded in the manner provided for in courts of limited jurisdiction.

(2) The court may consider the notice of civil infraction and any other written report made under oath submitted by the enforcement officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may request the court for issuance of subpoena of witnesses, including the enforcement officer who issued the notice, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the state to establish the commission of the civil infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument, the court shall determine whether the civil infraction was committed. Where it has not been established that the civil infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the civil infraction was committed, an appropriate order shall be entered in the court's records.

(5) An appeal from the court's determination or order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the superior court is subject only to discretionary review pursuant to the Rules of Appellate Procedure. [1987 c 456 § 18.]

**RCW 7.80.110 Hearings--Explanation of mitigating circumstances.**

(1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of a civil infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court's records.

(3) There is no appeal from the court's determination or order. [1987 c 456 § 19.]

**RCW 7.80.120 Monetary penalties--Restitution.**

(1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments, except for an infraction of state law involving tobacco products as specified in RCW 70.93.060(4), in which case the maximum penalty and default amount is five hundred dollars;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution. [1997 c 159 § 2; 1987 c 456 § 20.]

**RCW 7.80.130 Order of court--Civil nature--Modification of penalty--Community service.**

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour. [1987 c 456 § 21.]