

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 803 – Amendments to the Model Traffic Ordinance
DEPARTMENT:	Public Works
PRESENTED BY:	Kendra Dedinsky, City Traffic Engineer
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The City of Shoreline, by Ordinance No. 27, adopted by reference the Washington Model Traffic Ordinance, chapter 308-330 WAC, thereby establishing non-criminal traffic infraction provisions. These provisions were subsequently codified as [Chapter 10.05](#) of the Shoreline Municipal Code (SMC) Model Traffic Ordinance. The existing Model Traffic Ordinance does not explicitly prohibit parking within dedicated bus, bike, or turn lanes nor does it specify the maximum allowable time that a vehicle can remain parked within City Right of Way before moving.

Proposed Ordinance No. 803 (Attachment A) amends the Model Traffic Ordinance, providing clarity and an additional enforcement tool for regulating parking by explicitly prohibiting parking within designated bike, bus, and/or turn lanes. In addition, the proposed amendment specifically defines the maximum amount of consecutive time a vehicle can remain parked within City Right of Way.

These proposed amendments to the Model Traffic Ordinance were discussed with Council on October 30th, 2017. During this discussion, Council requested further examination of a potential revision to the proposed amendment to exempt boats from the consecutive 72 hour restriction. In addition, Council expressed concerns about a current existing provision in the code which prohibits use of vehicles in the City Right of Way for human habitation. After additional research and consideration, staff does not recommend any changes to the proposed amendments other than as originally proposed by staff and recommends that the provision in the existing code that prohibits the use of vehicles in the Right of Way as a place of habitation be studied separately before making any changes to the provision.

RESOURCE/FINANCIAL IMPACT:

The proposed amendment by staff has no direct financial impact to the City.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 803 to amend the Model Traffic Ordinance as shown in Attachment A.

Approved By: City Manager ***DT*** City Attorney ***MK***

INTRODUCTION

The existing Model Traffic Ordinance, codified as Shoreline Municipal Code Chapter 10.05, does not explicitly prohibit parking within dedicated bus, bike, or turn lanes nor does it specify the maximum allowable time that a vehicle can remain parked within City Right of Way before moving.

Proposed Ordinance No. 803 (Attachment A) amends the Model Traffic Ordinance by explicitly prohibiting parking within designated bike, bus, and/or turn lanes. In addition, the proposed amendment specifically defines the maximum amount of consecutive time a vehicle can remain parked within City Right of Way. Staff recommends Council adoption of proposed Ordinance No. 803.

BACKGROUND

The City of Shoreline, by Ordinance No. 27, adopted by reference the Washington Model Traffic Ordinance, chapter 308-330 WAC, thereby establishing non-criminal traffic infraction provisions. These provisions were subsequently codified as [Chapter 10.05](#) of the Shoreline Municipal Code (SMC) Model Traffic Ordinance. The Washington Model Traffic Ordinance provides the framework for common parking restrictions, however cities can amend this model ordinance to address issues specific to their city.

The City's current Model Traffic Ordinance does not explicitly prohibit parking within dedicated bus, bike, or turn lanes. New dedicated bike lanes have recently been established on multiple roadways throughout the City as part of the Bike Plan Implementation Project. In addition, the Aurora Improvement Project established a continuous bus and turn lane along the Aurora Avenue corridor. The completion of these projects has highlighted the need for amendments to the Model Traffic Ordinance to support enforceability of necessary parking restrictions along these facilities.

The existing ordinance also lacks specific definition of the maximum consecutive allowable time that a vehicle can remain parked within City Right of Way. Staff recommends setting a consecutive 72 hour time limit for which vehicles can remain parked without moving. This time limit is consistent with most other jurisdictions in the region and will therefore maintain consistency with driver expectation. Some jurisdictions include in their regulations how far a vehicle must move in order to restart the 72 hour limit. At this time, staff is not recommending setting a specific distance that a vehicle must move.

These proposed amendments to the Model Traffic Ordinance were discussed with Council on October 30, 2017. During this discussion, Council discussed further examination of a potential revision to the proposed amendment to exempt boats from the 72 hour restriction. In addition, Council expressed concerns about an existing provision in the code, which was not proposed by staff for any amendment, which currently prohibits vehicles in the City Right of Way being used for human habitation.

ALTERNATIVES ANALYSIS

Boat Parking Exemption

During the October 30th Council discussion a request was made for staff to explore an exemption to the 72 hour rule for boats. In reviewing the code of other jurisdictions in the region, staff was unable to find an exemption for storage of boats or other recreational vehicles within the Right of Way, and in many cities, storage of boats within Right of Way is explicitly prohibited or time limited. Many cities in the region also prohibit parking boats or other recreational vehicles on private property in residentially zoned areas.

While the City, under its police authority has the ability to prohibit, restrict, or limit the parking of vehicles within City Right of Way, any such regulation should be applied fairly and not in a discriminatory manner based on reasonable facts and circumstances. Because there does not appear to be any distinction to allow boats to be stored in the Right of Way while not allowing other types of recreational or other motor vehicles to be stored, staff recommends against incorporating such an exemption.

Furthermore, if more residents could utilize the Right of Way for boat parking/storage, an increased number of complaints would be expected. This would impact Customer Response Team and Traffic staff resources as safety assessments for each complaint would likely be necessary in order to determine if the boat is able to safely remain in the Right of Way or not.

For these reasons, staff does not recommend an exemption for boats be adopted.

Human Habitation in Right of Way Prohibition

In the interest of addressing issues faced by those that are experiencing homelessness, Council also asked staff to consider potentially eliminating a current code provision which prohibits use of vehicles in the City Right of Way for human habitation.

To date in 2017, Customer Response Team staff have received a total of nine (9) complaints related to human habitation in the Right of Way. Staff confirmed that these complaints have all been addressed through contact and discussion and no citations were issued.

Removing this prohibition at this time would also create a conflict with other existing Shoreline Municipal Code sections including:

- SMC 15.05.010, which adopts the International Property Maintenance Code as amended, establishes minimum criteria for human habitation including connection to an approved sanitary disposal system and hot and cold running water.
- SMC 20.40.495 which restricts guests occupying RV's on private property to two 14-day periods in a calendar year, as long as the occupancy does not create a public health hazard or nuisance.

Because the City is not finding a need to cite for violations under the existing provision staff recommends that this item not be amended at this time, but instead be addressed and studied separately from the other proposed amendments to the model code in order to allow a more comprehensive study of the issue.

RESOURCE/FINANCIAL IMPACT

The proposed amendment by staff has no direct financial impact to the City.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 803 to amend the Model Traffic Ordinance as shown in Attachment A with no additional amendments.

ATTACHMENTS

Attachment A: Ordinance No. 803

ORDINANCE NO. 803

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING SHORELINE MUNICIPAL CODE 10.05 MODEL TRAFFIC CODE TO PROHIBIT PARKING IN BICYCLE LANES, TRANSIT LANES, AND DEDICATED TURN LANES AND TO LIMIT THE PERIOD OF TIME A VEHICLE MAY BE PARKED ON A STREET OR MUNICIPAL PROPERTY.

WHEREAS, on July 10, 1995, the City of Shoreline, by Ordinance No. 27, adopted by reference Washington's Model Traffic Ordinance, chapter 308-330 WAC, thereby establishing non-criminal traffic infraction provisions; and

WHEREAS, these provisions were subsequently codified as chapter 10.05 SMC Model Traffic Ordinance; and

WHEREAS, SMC 10.05.030(B) amends WAC 308-330-462 which pertains to vehicle stopping, standing, and parking to reflect local preferences; and

WHEREAS, RCW 46.61.570(2), which is adopted by referenced in WAC 308-330-462, authorizes the City to impose a time limit or parking restrictions upon roadways under the City's jurisdiction; and

WHEREAS, given the addition of bicycle lanes, transit (bus) lanes, and dedicated turn lanes through public works projects that have altered existing parking along the public right-of-way, SMC 10.05.030(B) needs to be amended to prohibit parking within these areas; and

WHEREAS, the parking of vehicles in the public right-of-way or on municipal property for an extended period of time is contrary to the public interest as it can result in negative effects in the surrounding community and therefore SMC 10.05.030(B) needs to be amended to limit the total hours a vehicle may be consecutively parked in these areas;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Shoreline Municipal Code 10.05.030(B) is amended as follows:

B. WAC 308-330-462 is amended to read as follows:

WAC 308-330-462 RCW sections adopted – Stopping, standing, and parking. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle stopping, standing, and parking as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.08.185, 46.61.560, 46.61.575, 46.61.581, 46.61.582, 46.61.583, 46.61.585, 46.61.587, and 46.61.590.

1. RCW 46.61.570 is adopted with the following amendments:

(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;

(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;

(x) At any place where official signs prohibit stopping or parking;

(xi) On public right-of-way unless said vehicle displays current and valid registration tabs properly mounted in accordance with RCW 46.16.010(1);

(xii) Within the same block to avoid a time limit regulation specified in that particular area, except as provided in RCW 46.61.582 and 46.61.583;

(xiii) Park a commercial vehicle which is more than 80 inches wide overall on any arterial, street or alley in residentially zoned areas as defined in SMC 20.40, Subchapter 1 or on streets or arterials abutting residentially zoned areas between the hours of midnight and six a.m.;

(xiv) Directly adjacent to a curbside, next to clearly visible residential mail boxes between 10:00 a.m. and 3:00 p.m. on any day of scheduled mail delivery by the United States Postal Service; ~~and~~

(xv) In public locations under circumstances which constitute an unauthorized vehicle-;

(xvi) Within a bicycle lane, which is that portion of the paved section of the roadway designated by official signs or markings by the city for the movement of bicycles on the roadway;

(xvii) Within a transit priority lane designated by official signs or markings by the city as a bus only lane except to execute a right turn or to yield to emergency vehicles;

(xviii) Within a dedicated turn lane, which is that portion of the paved section of the roadway designated by official signs or markings by the city for the purpose of making a right or left turn at an intersection or to a side road; and

(xiv) On any street or other municipal property for a period of time longer than seventy-two (72) consecutive hours, unless an official posted sign provides a shorter period of time, or unless otherwise provided by law.

(5) It shall be unlawful to use a vehicle for human habitation on or in any public right-of-way or parking area. "Human habitation" means the use of a vehicle for sleeping, setting up housekeeping or cooking.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON NOVEMBER 13, 2017.

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication:

Effective Date: