

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Consolidation of Parking Regulations into the Model Traffic Ordinance and Adoption of Vehicular Trespass as a Code Violation  
**DEPARTMENT:** City Attorney's Office  
**PRESENTED BY:** Flannary P. Collins, Assistant City Attorney

**PROBLEM/ISSUE STATEMENT:**

1. The Municipal Code contains two adoptions of the Model Traffic Ordinance ("MTO") which should be consolidated. Upon incorporation, the City adopted into SMC 10.30.010 the King County Code ("KCC") 46.04.060, which adopted the Model Traffic Ordinance ("MTO") parking regulations with some amendments. The MTO, including parking regulations (but without KCC amendments), was also adopted in SMC 10.05. The proposed ordinance retains the King County parking restrictions, with some minor amendments, but consolidates them into the MTO in SMC 10.05, and adopts our own restricted parking zone inventory.
2. The Shoreline Police Department has requested an additional traffic code amendment. The current SMC does not have a provision prohibiting the avoidance of stop signs or lights by traveling through private property. The Police Department has identified this as an issue which needs to be addressed in the SMC. Thus, vehicular trespass has been added into the Vehicles and Traffic Title as a code violation.

**RECOMMENDATION**

Staff recommends that Council approve Ordinance 399 consolidating the parking regulations into the Model Traffic Ordinance, adopting the Restricted Parking Inventory, and adopting vehicular trespass as a code violation.

Approved By:

City Manager 

City Attorney 

## **ANALYSIS**

### **A. Parking Regulations**

Upon incorporation, the City adopted its Model Traffic Ordinance ("MTO") and its parking regulations into separate chapters in the Vehicles and Traffic Title of the SMC. In SMC Chapter 10.30, the City adopted the KCC parking regulations (KCC 46.04.060) as the City's parking regulations and specifically those regulations "previously enacted for streets within the city by King County" (SMC 10.30.010). The MTO, including parking regulations (but without KCC amendments), was also adopted in SMC Chapter 10.05. The two sections are duplicative and need to be consolidated.

Since the KCC parking regulations amended a portion of the MTO, the parking regulations should be consolidated within the MTO (adopted in SMC Chapter 10.05). This recodification is proposed.

The proposed ordinance carries forth the following existing MTO amendments:

- Prohibit parking of commercial vehicles more than 80" wide on any residential street between 12:00 am and 6:00 am.
- Prohibit parking next to a mail box between 10:00 am and 3:00 pm.

The proposed ordinance makes an additional minor change to parking, by creating a restricted parking inventory exclusive to Shoreline streets. The KCC (as adopted by the SMC) currently prohibits parking where prohibited by posted signs and refers to schedules of streets where the parking is prohibited by signs. The schedule has been incorporated into Shoreline's own Restricted Parking Inventory, and placed in the "Parking" Chapter of the SMC (renamed "Restricted Parking Zones"). The inventory now includes only Shoreline streets and Council-approved restricted parking areas since incorporation. The Restricted Parking Inventory is assigned Clerk's Receiving No. 3533.

### **B. Vehicular Trespass**

The Police Department identified vehicular trespass, or the avoidance of stop signs and lights by traveling through private property, as an issue in Shoreline. The City does not currently have a code section prohibiting vehicular trespass. The proposed ordinance makes it a traffic infraction to avoid any traffic control device by detouring from public right of way through private property to reach another public right of way.

## **CONCLUSION**

The proposed ordinance does not make material changes to the current parking regulations or to the MTO, it just consolidates the existing parking regulations into the MTO. The only minor change made to the parking regulations is an updated Restricted Parking Inventory. The new inventory consists of the Shoreline streets outlined in the King County schedule as well as any restricted parking areas designated since incorporation.

## **RECOMMENDATION**

Staff recommends that Council approve Ordinance 399 consolidating the parking regulations into the Model Traffic Ordinance, adopting the Restricted Parking Inventory, and adopting vehicular trespass as a code violation.

## **ATTACHMENTS**

Exhibit A: Ordinance 399, consolidating the parking regulations into the MTO, amending SMC 10.30 to adopt the Restricted Parking Inventory, and adopting vehicular trespass as a code violation.

Exhibit B: Current KCC 46.04.060

## ORDINANCE NO. 399

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
AMENDING TITLE 10 OF THE SHORELINE MUNICIPAL CODE.

WHEREAS the City of Shoreline has adopted the Washington Model Traffic Ordinance, Washington Administrative Code 308-330, as its Traffic Ordinance;

WHEREAS WAC 308-330-005 permits local jurisdictions to adopt or exclude sections of the Model Traffic Ordinance in its local traffic ordinance;

WHEREAS the Model Traffic Ordinance has been amended to provide for additional enforcement tools; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF SHORELINE DO ORDAIN AS FOLLOWS:

**Section 1. New Section.** A new section 10.05.030 is adopted to read:

**10.05.030 MTO Amendments.**

A. 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 46.61.560, ~~46.61.570~~, 46.61.575, 46.61.581, 46.61.582, 46.61.583, 46.61.585, 46.61.587, and 46.61.590.

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; or

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

(xi) On public right of way unless said vehicle possesses a proper and current vehicle license plate or plates, and such plate or plates are properly mounted thereon in accordance with the State of Washington Department of Licenses Rules and Regulations. The term "proper and current vehicle license plate or plates" includes the display of valid and current registration tabs indicating month and year of registration;

(xii) Move and repark a vehicle 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 street or alley in residentially zoned areas as defined in SMC 20.40, Subchapter 1 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.

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(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. Amendment**

Shoreline Municipal Code Chapter 10.30, Parking, is amended to read as follows:

**Chapter 10.30**  
**RESTRICTED PARKING ZONES**

Sections:

10.30.010 Restrictions.

10.30.020 Violation – Penalty.

**10.30.010 Restrictions.**

~~The city adopts by reference the parking regulations previously enacted for streets within the city by King County and set forth in King County Code Title 46. [Ord. 46 § 3, 1995]~~ Parking restrictions not delegated by the traffic engineer under Chapter 10.35 SMC are set forth in City of Shoreline Restricted Parking Inventory, located in the City Clerk's Office under Receiving No. 3533.

**10.30.020 Violation – Penalty.**

A violation of the parking regulations shall be an infraction and punished in accordance with the bail schedule on file at the King County district court.

**Section 3. New Chapter.**

A new chapter, 10.07 is adopted to read as follows:

**10.07 Vehicular Trespass**

10.070.10 Avoidance of stop signs and lights prohibited.

No driver of a motor vehicle shall seek to avoid stopping for stop signs, stop lights, yield signs or any other sign or device used to control traffic by detouring from a public right of way through private property to reach another public right of way.

10.07.020 Violation - Penalty

Any person violating the provisions of this Chapter shall be deemed to have committed a traffic infraction punishable by a penalty of not more than two hundred fifty dollars.

**Effective Date and Publication.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

**PASSED BY THE CITY COUNCIL ON SEPTEMBER 12, 2005.**

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Mayor Ron Hansen

ATTEST:

APPROVED AS TO FORM:

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of Publication: September 15, 2005  
Effective Date: September 20, 2005

46.04.050 - 46.04.070

F. No person shall operate a motor vehicle upon the county roads designated in Schedule 4 in excess of forty miles per hour, when signs are erected giving notice thereof.

G. No person shall operate a motor vehicle upon the county roads designated in Schedule 5 in excess of forty-five miles per hour, when signs are erected giving notice thereof.

H. No person shall operate a motor vehicle in the county parks designated in Schedule 6 in excess of the limit prescribed therein, when signs are erected giving notice thereof.

I. No person shall operate a motor vehicle other than in the indicated direction upon those county roads and parts of roads and alleys designated in Schedule 10, when signs are erected giving notice thereof.

J. No person shall operate a motor vehicle upon the county roads designated in Schedule 24 in excess of fifty miles per hour, when signs are erected giving notice thereof. (Ord. 5292 § 6, 1981).

**46.04.060 RCW 46.61.570-1 amended.** RCW 46.61.570-1 is amended as follows:

A. When signs are erected in each block giving notice thereof, no person shall park a vehicle:

1. At any time upon any of the streets or portions thereof described in Schedule 14 of this traffic code.

2. Between the hours specified in Schedule 15 of any day except as provided within the district or upon any of the streets described in said schedule.

3. Or stop or stand a vehicle between the hours specified in Schedule 16 of any day except as provided in said schedule within the district or upon any of the streets described in said schedule.

4. For a period of time longer than specified in Schedule 17 upon any of the streets or parts of streets specified in said schedule.

B. No person shall park a commercial vehicle which is more than 80 inches wide overall on any street or alley in residentially zoned areas as defined in Title 21A between the hours of midnight and six a.m.

1. A person found to have committed a violation of this section shall be assessed a monetary penalty of fifty dollars.

C. When signs are erected in each block giving notice thereof, no person shall park a trailer, either attached to or detached from a motor vehicle at any time, upon any of the streets or portions thereof described in Schedule 18 of this traffic code.

D. No person shall park 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. (Ord. 11792 § 38, 1995: Ord. 11096 § 1, 1993: Ord. 9700 § 1, 1990: Ord. 7403 § 1, 1985: Ord. 5292 § 7, 1981).

**46.04.065 WAC 308-330-265(16) amended - County road engineer authority.** The county road engineer shall have the authority by administrative determination to immediately impose temporary gross weight limits on bridges based on the results of an engineering and traffic investigation. The traffic engineer shall have the authority to immediately erect and maintain official traffic control devices for temporary gross weight limits on bridges as directed by the county road engineer and in accordance with Chapter 46.90 RCW, WAC 308-330-265(16) and K.C.C. 14.16. (Ord. 11396 § 2, 1994).

**46.04.070 Severability.** Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 5292 § 8, 1981).