

ORDINANCE NO. 2007-40

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO CHAPTER 10.12 PARKING; ADDING A NEW SECTION 10.12.005 DEFINITIONS; REPEALING SECTIONS 10.12.025, 10.12.028 AND 10.12.035; AMENDING SECTIONS 10.12.010 TO SIGNS - AUTHORITY, 10.12.020 TO RESTRICTIONS FOR SPECIAL EVENTS, 10.12.030 TO PARKING PROHIBITED AT ALL TIMES, 10.12.040 PARKING PROHIBITED AT CERTAIN TIMES, 10.12.050 TO MOVING AND REPARKING IN SAME TIME ZONE OR BLOCK, 10.12.060 TO WRONG WAY PARKING AND PARKING CLOSE TO CURB/ROADWAY, 10.12.070 TO STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES – RESERVING PORTION OF ROADWAY PROHIBITED, 10.12.080 TO PARKING OVER LINE, AND ADDING 10.12.090 TO ANGLE PARKING; AND ADDING NEW SECTIONS 10.12.100 OBSTRUCTING/IMPEDING TRAFFIC PROHIBITED, 10.12.110 PARKING WITHIN FIRE LANE PROHIBITED, 10.12.120 RECREATIONAL VEHICLES AND OTHER VEHICLES LARGER THAN EIGHT THOUSAND POUNDS GROSS VEHICLE WEIGHT PARKING ON CITY STREETS, 10.12.130 IMPROPER PARKING CITY PROPERTY, 10.12.140 AREAS LIMITED TO DESIGNATED VEHICLES, 10.12.150 PASSENGER CURB LOADING ZONE, 10.12.160 RESTRICTIONS AT PUBLIC CARRIER STANDS, 10.12.170 BUS ZONE, 10.12.180 CERTAIN PURPOSES PROHIBITED, 10.12.190 PARKING OF CERTAIN TRAILERS OR SEMI-TRAILERS, 10.12.200 ALLEY, 10.12.210 CITY PARKS, 10.12.220 PARKING UNLICENSED VEHICLE, 10.12.230 LEAVING MINORS UNATTENDED, 10.12.240 OWNER RESPONSIBLE, 10.12.300 VIOLATION – PENALTY; AND REPEALING 3.12.060; AND AMENDING 10.04.010 MODEL TRAFFIC ORDINANCE ADOPTED BY REFERENCE; REPEALING 10.14.040 AND 10.14.050; ADDING 10.14.100 ENFORCEMENT AND 10.14.110 PENALTY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Poulsbo is concerned about the safety and welfare of its citizens and roadways; Now, Therefore,

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

Section 1. Adding a new section to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.005 Definitions

The following definitions are applicable in this chapter unless the context otherwise requires:

"Block" means the area comprised of properties along each side of a street between two (2) intersections.

"Bus" means every motor vehicle designed for carrying more than 10 passengers and used for transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

"Bus stop" means a fixed portion of the highway parallel and adjacent to the curb to be reserved exclusively for buses for layover in operating schedules or while waiting for, loading, or unloading passengers; provided, that such bus provides regularly scheduled service within the jurisdiction of the local authority.

"Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, wood chips, refuse, merchandise, produce, freight, animals, or passengers for hire, or commercial equipment such as bulldozers, cranes, and similar construction equipment.

"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 10 feet therefrom, except as modified by a marked crosswalk. RCW 46.04.160 as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein.

"Director" means Director of Public Works or other department director authorized by the Mayor to enforce this chapter, or their designee.

"Legal owner" means a person having a security interest in a vehicle perfected in accordance with Chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest or a lessor of a vehicle unencumbered by a security interest. RCW 46.04.270 as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein.

"Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property.

"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.

"Parking zone" means any continuous section on the same street or either side of the street having the same parking time restriction.

"Passenger Load Only Zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

"Planting strips" means that portion of the roadway lying between the constructed curb, or edge of the roadway, and the property line exclusive of the sidewalk area.

“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.

"Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient and is not immobilized or permanently affixed to a mobile home lot.

"Right-of-way" or "street" means any highway, avenue, lane, road, drive, place, boulevard, alley, right-of-way, way, sidewalk, planting or parking strip, shoulder and every way or place in the City of Poulsbo open as a matter of right to public vehicular travel or parking or other similar public use.

“School bus zone” means a designated portion of the roadway along the curb reserved for loading and unloading school buses during designated hours.

“Semi trailer” includes every vehicle without motive power designed to be drawn by a vehicle, motor vehicle, or truck tractor and so constructed that an appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a municipal transit vehicle or recreational vehicle.

“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 roadway and dedicated to use by pedestrians.

“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.

“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 when in compliance with the direction of a peace officer or traffic-control sign or signal.

“Street” means a city street.

“Taxicab” means a motor vehicle for hire used for the transportation of persons or compensation, and not operated exclusively over a fixed route or between fixed termini.

“Taxicab stand” means a fixed portion of a roadway set aside for taxicabs to stand or wait for passengers.

"Vehicle" means every device capable of being moved upon a public roadway and in, upon, or by which any persons or property is or may be transported or drawn upon a public

roadway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks, whether licensed or unlicensed, including boat trailer with or without a boat situated thereon and marine vehicle trailered or nontrailered.)

Section 2. PMC 10.12.025 and Ordinance 85-33 and Section 2, PMC 10.12.028 and Ordinance 2001-13 and Section 4, PMC 10.12.035 and Ordinance 2001-13 and Section 5 are hereby revoked.

Section 3. PMC 10.12.010 and Ordinance 2007-14 Section 1 here amended to read as follows:

10.12.010 Signs - authority

The Public Works Director shall, in a manner consistent with this chapter, establish, locate and post various restricted parking zones within the city rights-of-way where required to regulate parking. Such restrictions may include, but not be limited to, the prohibition of parking at all times, the prohibition of parking at certain times, the limitation of parking by durational limit, and such other restrictions as the Public Works Director may determine to be necessary to ensure the availability of safe and efficient parking in the zone.

Section 4. PMC 10.12.020 and Ordinance 2007-14 Section 2 are amended to read as follows:

10.12.020 Restrictions for special events

The chief of police is authorized to temporarily vary, to the extent necessary, the parking regulations imposed by this chapter during any scheduled special event in the city of Poulsbo which, in his opinion, will generate additional traffic that would be likely to obstruct, restrict or alter the normal flow of traffic, thereby affecting the public health, safety or general welfare; provided signs are posted in conspicuous locations giving notice of such temporary regulations.

Section 5. PMC 10.12.030 and Ordinance 83-39 Section 7 are amended to read as follows:

10.12.030 Parking Prohibited at all times

No person shall:

- A. Stop, stand or park a vehicle at any place or time where official signs prohibit stopping;
- B. Stand or park a vehicle at any place or time where official signs prohibit standing; or
- C. Park a vehicle at any place or time where official signs prohibit parking.

Section 6. PMC 10.12.040 and Ordinance 83-39 Section 9, 1983 are hereby amended to read as follows:

10.12.040 Parking Prohibited at certain times

- A. When official signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified no parking.
- B. When official signs are erected in each block with parking limits, no person shall park a vehicle to exceed the specified parking limits.

C. Obliterating tire markings. It is unlawful to conceal, obliterate, or erase markings on vehicle tires made by a parking enforcement officer or police officer for the purpose of recording parking time.

D. "Public holidays" within the meaning of this section, embrace only days for the observance of the birth of George Washington on the third Monday in February; for Memorial (Decoration) Day on the thirtieth day of May; for the anniversary of the Declaration of Independence on the fourth day of July; the labor Day on the first Monday in September; for Veterans' Day on the day fixed for the observance thereof by the Governor of the state of Washington; for Christmas Day on the twenty-fifth day of December; and for New Year's Day on the first day of each new year. If any of these public holidays falls upon any Sunday, the day next following such date shall be the holiday therefore.

Section 7. PMC 10.12.050 and Ordinance 2005-17 Section 1 are hereby amended to read as follows:

10.12.050 Moving & Reparking in Same Time Zone or Block

Where a time limit is established by official signs, no vehicle may be reparked on either side of the same street in the restricted time zone in order to extend the vehicle's parking time beyond the time limits established. For purposes of this section, a vehicle shall be deemed to be reparked and in violation of this section despite any movement of the vehicle unless the vehicle is moved to another street with a different street name than the street the vehicle was originally parked upon. It is no defense that the vehicle had been moved out of the zone for less than one hour before reparked in that zone.

Section 8. PMC 10.12.060 and Ordinance 83-39 Section 11, 1983 are hereby amended to read as follows:

10.12.060 Wrong way parking and parking close to curb/roadway

A. Except as otherwise provided in this section, every vehicle stopped or parking 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.

B. Except with 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.

C. The city may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any roadway where they determine such stopping, standing, or parking is dangerous to those using the roadway 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.

Section 9. PMC 10.12.070 and Ordinance 83-39 Section 3, 1983 are hereby amended to read as follows:

10.12.070 Stopping, standing, or parking prohibited in specified places – reserving portion of roadway prohibited

A. 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:

1. Stop stand, or park a vehicle

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(b) On a sidewalk or street planting strip

(c) Within an intersection;

(d) On a crosswalk

(d) 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;

(e) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(f) Upon any bridge or other elevated structure upon a street or within a street tunnel;

(g) On any railroad tracks

(h) In the area between roadways of a divided street including crossovers;

(i) At any place where official signs prohibit stopping

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(a) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(b) Within fifteen feet of a fire hydrant;

(c) Within twenty feet of a crosswalk;

(d) 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;

(e) 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 property signposted; or

(f) At any place where official signs prohibit standing.

B. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

1. At any place where official signs prohibit parking; or

2. Within fifty feet of the nearest rail of a railroad crossing.

C. 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 per PMC 10.12.240 or order of the secretary of transportation under their respective jurisdictions.

D. 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.

E. It shall be unlawful for any person to reserve or attempt to reserve any portion of a roadway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right, unless city ordinance dictates otherwise.

Section 10. PMC 10.12.080 and Ordinance 2003-16 Section 25 are hereby amended to read as follows:

10.12.080 Parking over line

No vehicle shall stop, stand or park in any parking area designated by lines or marks in any manner that the vehicle extends over or across any such line or mark or in such manner that the vehicle is not within the area so designated by such lines or marks.

Section 11. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.090 Angle parking

Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 12. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.100 Obstructing/impeding traffic prohibited

A. No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of width of the roadway for free movement of vehicular traffic.

B. No vehicle shall stop, stand or park in such a manner as to impede traffic. "Impede traffic" shall be defined as the stopping, standing or parking of a vehicle in such a manner as to interfere with, obstruct or stop the lawful passage of pedestrians or other vehicles.

C. Subsection (A) of this section 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 approved by the state department of transportation or a county upon highways under their respective jurisdictions.

D. Subsection (A) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of 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.

Section 13. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.110 Parking within fire lane prohibited

Parking prohibited. Except when necessary to temporarily avoid conflict with other moving traffic or in compliance with the direction of a police officer, fire official, traffic control sign, signal or device, no person shall:

1. Stop, stand or park a vehicle, whether occupied or not within any fire lane except:
 - a. Momentarily to pick up or discharge a passenger or passengers; or
 - b. Temporarily for the purpose of and while actually engaged in loading or unloading property.
 - c. If stopped momentarily to pick up or discharge a passenger or passengers driver must remain with vehicle at all times and must immediately vacate the fire lane if fire engine, paramedic, or other emergency vehicle arrives.
2. Allow continued violations of this section on private property which they own or manage.
3. For purposes of this section, “fire lane” mans an area on public or private property reserved for providing the fire department access to structure, firefighting fixtures or equipment for emergency vehicles. Designation of fire lane locations shall be designated by both the fire marshal and the city engineer.
4. Section 503.4 of the 2003 Edition of the International Fire Code, as published by the ICC is as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

Section 14. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.120 Recreational vehicles and other vehicles larger than eight thousand pounds gross vehicle weight parking on city streets

Parking of recreation vehicles, including, but not limited to, vans and pickup trucks and campers, vehicles larger than eight thousand pounds gross vehicle weight, camping trailers, tent trailers, boats and/or trailer, utility trailers and inoperable vehicles on city streets in residential areas for longer than twelve hours is prohibited.

Section 15. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.130 Improper parking city property

No vehicle shall stop, stand or park on any city owned property except in areas which have been clearly identified by the city by sign, painted lines or other marking as parking spaces. Municipal parking facilities for the purposes of this section mean any public parking area serving a municipal facility. Such facilities include, but are not limited to, the city commons, city golf facility, city senior center, all parks or recreation facilities owned or operated by the city, city shops, city hall.

Section 16. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.140 Areas limited to designated vehicles

In areas for which a sign has been posted limiting parking to certain type of vehicles, no vehicle other than the designated vehicle shall stop, stand or be parked for any purpose or period of time.

Section 17. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.150 Passenger curb loading zone

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

Section 18. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.160 Restrictions at public carrier stands

(a) The driver of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

(b) The driver of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand, or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) The driver of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to impede unduly the movement of other vehicular traffic.

(d) The driver of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the driver of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

Section 19. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.170 Bus zone

A. In areas designated “Bus Zone,” no vehicle other than a bus shall stop, stand or be parked for any purpose or period of time. Buses may stop, stand, or park in these areas solely for the expeditious loading and unloading of passengers.

B. For purposes of this section, the term “bus” shall mean:

1. Any motor vehicle used for the purpose of carrying passengers together with incidental baggage or freight, on a regular schedule of time and rates; or

2. Any motor vehicle designed for the purpose of carrying passengers (having a seating capacity for 11 or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious, or charitable purpose; or

3. Any school bus.

Section 20. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.180 Certain purposes prohibited

In as much as the city desires to reduce, if not eliminate, the use of city streets for the general storage of vehicles or other objects on more than a temporary basis and for only short periods of time, accordingly, parking or storage of motor vehicles or other objects upon city streets and rights-of-way for any of the following purposes or in the following manner is prohibited:

- (a) Displaying such motor vehicle or other object for sale or for advertising the sale thereof;
- (b) Repairing a motor vehicle, camper, trailer, boat trailer, boat except that emergency parking for repair upon a motor vehicle not requiring over 24-hour total time shall be permitted;
- (c) Parking or storage of a motor vehicle which is temporarily or permanently inoperative for any reason whatsoever, and excepting only parking for emergency repairs as authorized in subsection (b) of this section;
- (d) Parking or storage, at any time or for any reason, of a boat, boat trailer, house trailer, travel trailer, mobile home, camper or any other vehicle or object incapable of self-locomotion;
- (e) Parking or storage of any motorcycle, motor vehicle or motor home capable of self-locomotion for a continuous period of time in excess of 20 hours;
- (f) Storage of building materials, sand, gravel, sawdust, beauty bark, rocks or other materials of any kind whatsoever;
- (g) Storage of rubbish or vegetation of any kind for any period of time.

Section 21. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.190 Parking of certain trailers or semi-trailers

No trailer or semi-trailer shall be parked upon any city street unless the trailer or semi-trailer is attached to a vehicle by which it may be propelled or drawn. In case of accident such trailer or semi-trailer may be moved to the side of the street, and if a good and sufficient red signal is displayed at both ends of the trailer or semi-trailer during the hours of darkness, such trailer or semi-trailer may be permitted or allowed to remain for a period not exceeding twenty-four (24) hours pending removal except that such trailer or semi-trailer shall not remain upon any portion of a city street where standing or parking is limited or prohibited for a period longer than is necessary to effect its removal.

Section 22. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.200 Alley

No person shall park a vehicle within an alley in such a manner or under such conditions as to block or impede the alley for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

Section 23. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.210 City Parks

Parking in city parks is for park use only. Except as otherwise posted, all vehicle parking areas within the parks shall be closed when the parks are closed.

Section 24. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.220 Parking unlicensed vehicle

No person shall stop, stand, or park any vehicle on any public street, highway, alley or other public property within the city limits of the city of Poulsbo unless such 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 Licensing rules and regulations.

Section 25. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.230 Leaving minors unattended

It is unlawful for any person while operating or in charge of a vehicle to park or willfully allow such vehicle to stand upon a public roadway or in a public place in the city, leaving a minor child or children under the age of seven years unattended therein. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Section 26. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.240 Owner Responsible

A. Every person in whose name a vehicle is registered shall be responsible for any violation of this chapter caused by the parking of the vehicle in violation of this chapter.

B. It shall be no defense that the vehicle was parked illegally by another, unless proof is presented that the vehicle has been stolen and had not been returned to the registered owner by the date of the violation.

C. This section shall not apply to registered owners transferring vehicle ownership who have complied with RCW 46.52.140 prior to the date of the violation.

Section 27. A new section is added to Chapter 10.12 of the Poulsbo Municipal Code to read as follows:

10.12.300 Violation – Penalty

A. Unless otherwise designated, every person convicted of a violation of any provision of this chapter, shall be guilty of a civil infraction and shall be subject to a monetary penalty in the

amount of \$30.00. Each act in violation of any of the provisions hereof shall be deemed a separate offense.

B. A monetary penalty of \$25.00 shall also be imposed for failure to respond or appear to a notice of traffic infraction relating to parking. Any person who fails to respond or appear on any violation of any provision of the Poulsbo Municipal Code set forth in this chapter shall be assessed a failure to respond or appear fee not to exceed the amount set forth in RCW 46.63.110(3), as the same now exists or as may be hereafter amended, which statute is incorporated herein by this reference as if fully set forth.

C. If a time pay agreement is requested a fee of not to exceed \$10 per charge or \$25 per payment plan may be imposed.

Section 28. PMC 3.12.060 and Ordinance 2003-16 Section 49 are hereby repealed.

Section 29. PMC 10.04.010 and Ordinance 1994-15 Section 1 are hereby amended to read as follows:

10.04.010 Model Traffic Ordinance Adopted by reference

A. Unless otherwise provided herein, the Washington Model Traffic Ordinance, (MTO) Chapter 308-330 WAC, is adopted by reference as enacted or hereinafter amended as the traffic ordinance of the city of Poulsbo as if set forth in full herein by this reference.

B. The City Engineer is designated as the Traffic Engineer.

Section 30. PMC 10.14.040 and Ordinance 1995-26 Section 1, PMC 10.14.050 and Ordinance 95-26 Section 1 are hereby repealed.

Section 31. A new section is added to Chapter 10.14 of the Poulsbo Municipal Code to read as follows:

10.14.100 Enforcement

A. Any duly commissioned police officer of the Poulsbo police department is authorized to enforce this chapter.

B. The enforcement or compliance with this chapter, or lack of enforcement or compliance, by the city, its officials, employees and agents, under this chapter shall in no way be interpreted to create any duty to do so, or to waive or accept any liability, whatsoever, should a person fail to wear a safety helmet and be injured while operating a bicycle and/or recreational equipment within the city.

Section 32. A new section is added to Chapter 10.14 of the Poulsbo Municipal Code to read as follows:

10.14.110 Penalty

A. Every person convicted of a violation of any provision of this chapter shall be subject to a monetary penalty in the amount of \$124.00. Each act in violation of any of the provisions hereof shall be deemed a separate traffic infraction offense. A monetary penalty of \$52 shall also be imposed for failure to respond to the notice of infraction relating to bicycle safety and helmets.

B. If the individual has not received a notice of violation for failure to wear a bicycle helmet within one year of the date of the violation and provides proof that he or she has acquired an approved bicycle helmet at the time of the court appearance the fine may be reduced or waived and the notice cleared as a warning.

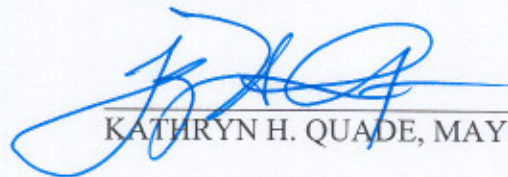
C. Each child under age 18 not meeting the requirements of PMC 10.14.030 shall represent a separate violation.

Section 33. Severability

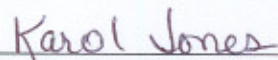
If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 34. Effective Date: This ordinance shall take effect and be in full force five (5) days after the publication of the attached summary, which is hereby approved.

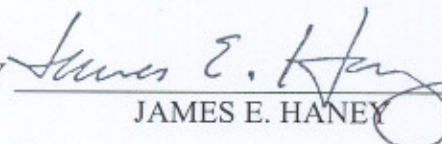
APPROVED:


KATHRYN H. QUADE, MAYOR

ATTEST/AUTHENTICATED:


CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 9/24/2007
PASSED BY THE CITY COUNCIL: 10/3/2007
PUBLISHED: 10/20/2007
EFFECTIVE DATE: 10/25/2007
ORDINANCE NO. 2007-40

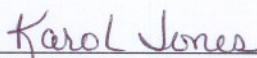
SUMMARY OF ORDINANCE NO. 2007-40
of the City of Poulsbo, Washington

On the 3rd day of October, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-40. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO CHAPTER 10.12 PARKING; ADDING A NEW SECTION 10.12.005 DEFINITIONS; REPEALING SECTIONS 10.12.025, 10.12.028 AND 10.12.035; AMENDING SECTIONS 10.12.010 TO SIGNS - AUTHORITY, 10.12.020 TO RESTRICTIONS FOR SPECIAL EVENTS, 10.12.030 TO PARKING PROHIBITED AT ALL TIMES, 10.12.040 PARKING PROHIBITED AT CERTAIN TIMES, 10.12.050 TO MOVING AND REPARKING IN SAME TIME ZONE OR BLOCK, 10.12.060 TO WRONG WAY PARKING AND PARKING CLOSE TO CURB/ROADWAY, 10.12.070 TO STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES – RESERVING PORTION OF ROADWAY PROHIBITED, 10.12.080 TO PARKING OVER LINE, AND ADDING 10.12.090 TO ANGLE PARKING; AND ADDING NEW SECTIONS 10.12.100 OBSTRUCTING/IMPEDING TRAFFIC PROHIBITED, 10.12.110 PARKING WITHIN FIRE LANE PROHIBITED, 10.12.120 RECREATIONAL VEHICLES AND OTHER VEHICLES LARGER THAN EIGHT THOUSAND POUNDS GROSS VEHICLE WEIGHT PARKING ON CITY STREETS, 10.12.130 IMPROPER PARKING CITY PROPERTY, 10.12.140 AREAS LIMITED TO DESIGNATED VEHICLES, 10.12.150 PASSENGER CURB LOADING ZONE, 10.12.160 RESTRICTIONS AT PUBLIC CARRIER STANDS, 10.12.170 BUS ZONE, 10.12.180 CERTAIN PURPOSES PROHIBITED, 10.12.190 PARKING OF CERTAIN TRAILERS OR SEMI-TRAILERS, 10.12.200 ALLEY, 10.12.210 CITY PARKS, 10.12.220 PARKING UNLICENSED VEHICLE, 10.12.230 LEAVING MINORS UNATTENDED, 10.12.240 OWNER RESPONSIBLE, 10.12.300 VIOLATION – PENALTY; AND REPEALING 3.12.060; AND AMENDING 10.04.010 MODEL TRAFFIC ORDINANCE ADOPTED BY REFERENCE; REPEALING 10.14.040 AND 10.14.050; ADDING 10.14.100 ENFORCEMENT AND 10.14.110 PENALTY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 5th day of October, 2007.



CITY CLERK KAROL JONES, CMC