

## **Title 10**

### **VEHICLES AND TRAFFIC**

#### **Chapters:**

**10.04 Traffic Statutes**

**10.08 Speed Limits**

**10.12 Arterials**

**10.16 Parking and Turning Movements**

**10.18 Recreational Vehicles, Trailers and Buses**

**10.20 *Repealed***

**10.21 Vehicle Impoundment – DUI Arrests**

**10.22 Compression Brakes**

**10.24 Horses and Motorcycles**

**10.28 Bicycles, Skateboards, Roller Skates, Rollerblades and Scooters**

**10.29 *Repealed***



**Chapter 10.04****TRAFFIC STATUTES\***

## Sections:

- 10.04.010 Washington Model Traffic Ordinance adopted.
- 10.04.015 Washington Mandatory Liability Insurance Statute adopted.
- 10.04.020 Amendments.
- 10.04.030 Short title – Citation.

\*For statutory provisions authorizing the adoption of state statutes by reference, see RCW 35.21.180.

**10.04.010 Washington Model Traffic Ordinance adopted.**

The Washington Model Traffic Ordinance, Chapter 308-330 WAC, one copy of which is on file with the town clerk, is adopted by reference as the traffic ordinance of the town of Eatonville as if set forth in full. (Ord. 94-07 § 1, 1994).

**10.04.015 Washington Mandatory Liability Insurance Statute adopted.**

The Mandatory Liability Insurance Statute, Chapter 46.30 RCW et seq., as currently enacted or as hereinafter modified, is adopted by reference as a motor vehicle law for the town. (Ord. 90-39 § 1, 1990).

**10.04.020 Amendments.**

All amendments or additions to said Chapter 308-330 WAC, as adopted, when printed and filed with the town clerk shall be considered and accepted as amendments of and additions to the motor vehicle laws of the town without any necessity of further adoptions of such amendments or additions by the town. (Ord. 94-07 § 5, 1994).

**10.04.030 Short title – Citation.**

This chapter may be known and cited as the “Traffic Ordinance.” In citing specific provisions of the traffic ordinance, the same may be cited by reference to the section numbers, as set forth in the Revised Code of Washington, as herein adopted by reference, and as the same may be thereafter amended or added to as herein provided. (Ord. 72-4 § 4, 1972; Ord. 259 § 3, 1969; Ord. 257 § 4, 1968; Ord. 243 § 7, 1966).

**Chapter 10.08****SPEED LIMITS\***

## Sections:

- 10.08.010 State law adopted.
- 10.08.015 *Repealed.*
- 10.08.020 *Repealed.*
- 10.08.030 *Repealed.*
- 10.08.040 Speed limit in alleys.
- 10.08.050 Violation – Penalty.
- 10.08.060 Speed limits along State Route 161.
- 10.08.070 Speed limits at Alder Park on Alder Street East and Madison Avenue South.
- 10.08.080 Speed limits in the Hamner Springs Housing Development and Riverside Lane, Kelsey Lane, and Curtis Lane.

\*For statutory provisions authorizing town to fix speed limits, see RCW 46.61.415.

**10.08.010 State law adopted.**

The state traffic laws regulating the speed of vehicles, as codified at RCW 46.61.400 et seq., as of the effective date of the ordinance from which this chapter derives and subsequently amended, shall be applicable upon all streets within this town, except those streets where the speed limit is specifically set by ordinance. Except where otherwise authorized in this chapter, the speed limit on any street within the corporate limits of the town is 25 miles per hour. (Ord. 90-31 § 2, 1990).

**10.08.015 Thirty miles per hour.**

*Repealed by Ord. 2004-03.* (Ord. 2000-01 § 1, 2000; Ord. 96-06 § 1, 1996; Ord. 90-31 § 3, 1990).

**10.08.020 Twenty miles per hour.**

*Repealed by Ord. 2004-03.* (Ord. 2001-07 § 1, 2001; Ord. 2000-02 § 1, 2000; Ord. 96-06 § 2, 1996; Ord. 90-31 § 4, 1990).

**10.08.030 Fifteen miles per hour.**

*Repealed by Ord. 2004-03.* (Ord. 2000-02 § 2, 2000; Ord. 90-31 § 5, 1990).

**10.08.040 Speed limit in alleys.**

The maximum speed limit in all alleys within the town shall be 15 miles per hour. (Ord. 90-31 § 6, 1990).

**10.08.050 Violation – Penalty.**

Violation of the speed limits set forth in this chapter shall subject the violator to a monetary fine of up to \$1,000. (Ord. 90-31 § 7, 1990).

**10.08.060 Speed limits along State Route 161.**

That part of State Route 161 from milepost 2.28, being the southernmost town limit to milepost 2.34, be posted as a 50-mile-per-hour zone. That part of State Route 161 from milepost 2.34 to milepost 2.71, the intersection of Alder Street, be posted as a 35-mile-per-hour zone. That part of State Route 161 from milepost 2.71 to milepost 3.33, which is the intersection of Lynch Creek Road East, and which is also the northernmost town limit, be posted as a 25-mile-per-hour zone. (Ord. 91-4 § 1, 1991).

**10.08.070 Speed limits at Alder Park on Alder Street East and Madison Avenue South.**

The maximum speed limit on Alder Street East between Mashell Avenue South and Madison Avenue South shall be 15 miles per hour. The maximum speed limit on Madison Avenue South between Oak Street East and Alder Street East shall be 15 miles per hour. (Ord. 2006-18 § 1, 2006).

**10.08.080 Speed limits in the Hamner Springs Housing Development and Riverside Lane, Kelsey Lane, and Curtis Lane.**

The maximum speed limit in the Hamner Springs Housing Development shall be 15 miles per hour to include the following streets: Skylar Way, Kaitlyn Street, Allison Avenue, Easton Avenue, Joy Street, Riverside Lane, Kelsey Lane and Curtis Lane. (Ord. 2007-15 § 1, 2007).

**Chapter 10.12****ARTERIALS\***

## Sections:

10.12.010 Major arterial highways.

10.12.020 Secondary arterial highways.

\*For statutory provisions on urban arterials, see Chapter 47.26 RCW.

**10.12.010 Major arterial highways.**

The following streets or portions of streets are designated and declared to be “MAJOR” arterials or through highways:

A. Carter Street, from Rainier Avenue to Eatonville Middle School;

B. Center Street, from Eatonville Highway to east town limits;

C. Eatonville Highway, from east town limits to Center Street;

D. Larson Street, from Mashell Avenue to Washington Avenue;

E. Lynch Street, from Orchard Avenue to Washington Avenue;

F. Mashell Avenue, from south town limits to north town limits;

G. Orchard Avenue, from Lynch Street to Ridge Road;

H. Washington Avenue, from Larson Street to north town limits;

I. Weyerhaeuser Road, from Center Street north to end of public road. (Ord. 98-01 § 1, 1998; Ord. 90-26 § 1, 1990; Ord. 209 § 1, 1964).

**10.12.020 Secondary arterial highways.**

The following streets or portions of streets are designated and declared to be “SECONDARY” arterials or through highways:

A. Alder Street, from Mashell Avenue to Madison Avenue;

B. Antonie Avenue, from Eatonville Highway to Ridge Road;

C. Carter Street, from Antonie Avenue to Rainier Avenue;

D. Cedar Avenue, from Center Street to Carter Street;

E. Center Street, from View Crest Drive to Eatonville Highway;

F. Larson Street, from Mashell Avenue to Rainier Avenue;

G. Madison Avenue, from Alder Street to Center Street;

H. Orchard Avenue, from Center Street to Lynch Street;

I. Pennsylvania Avenue, from Center Street to Ridge Road;

J. Rainier Avenue, from Larson Street to Lynch Street;

K. Ridge Road, from Antonie Avenue to Orchard Avenue. (Ord. 98-01 § 2, 1998; Ord. 90-26 § 1, 1990; Ord. 209 § 2, 1964).

## Chapter 10.16

### PARKING AND TURNING MOVEMENTS

#### Sections:

- 10.16.010 No parking – In front of school – When.
- 10.16.015 Parking zones established.
- 10.16.020 No parking – Friday morning – For purposes of street cleaning – Where.
- 10.16.021 Restricted parking – Residential areas.
- 10.16.024 Reserved parking – Residential and commercial areas.
- 10.16.030 U-turns – Prohibited where.
- 10.16.035 Left-hand turns onto Carter Street – Prohibited when.
- 10.16.040 Standing or parking close to curb.
- 10.16.050 Angle parking location.
- 10.16.060 Standards for angle parking.
- 10.16.070 Angle parking – Obedience to markings.
- 10.16.080 Permit for loading or unloading at an angle to the curb.
- 10.16.090 Parking not to obstruct pedestrians.
- 10.16.100 Parking not to obstruct traffic.
- 10.16.110 Parking in alleys.
- 10.16.120 Parking not to obstruct driveways.
- 10.16.125 Parking not to obstruct mailboxes.
- 10.16.130 Parking not to obstruct fire hydrants.
- 10.16.135 Parking and storage of a motor vehicle.
- 10.16.140 Parking adjacent to schools.
- 10.16.150 Parking prohibited on narrow streets.
- 10.16.160 No stopping or parking near hazardous or congested places.
- 10.16.170 Violation – Penalty.

#### **10.16.010 No parking – In front of school – When.**

Parking in front of the school at the north end of Mashell Avenue, from the intersection of West Lynch Street and Mashell Avenue North, shall be controlled by appropriate no-parking signs and curb markings, to be installed by the chief of police. Official parking only shall be allowed between the hours of 8:00 a.m. and 5:00 p.m. on school days. No parking shall be allowed on non-school days, and no parking shall be allowed on school days between the hours of 5:00 p.m. and 8:00 a.m. (Ord. 265 § 3, 1969).

#### **10.16.015 Parking zones established.**

A. Commercial Restrictions. It shall be unlawful to park vehicles on the following streets within

the town for more than three hours between the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday:

1. The west side of Washington Avenue between Lynch Creek Road and a point 300 feet south of Carter Street;

2. Mashell Avenue between Center Street and a point 300 feet south of Lynch Street (as measured from the intersection of Lynch Street and Mashell Avenue on the west side of Mashell);

3. Carter Street between Washington Avenue and Rainier Avenue;

4. Center Street between Washington Avenue and Rainier Avenue;

5. The south side of Center Street between Rainier and Orchard;

6. All parking stalls located within the Eatonville Town Square at 132 Mashell Avenue N.

B. School Loading and Unloading Zones. The following streets shall be designated for 30-minute loading and unloading only between the hours of 7:30 a.m. and 9:30 a.m. and 2:00 p.m. and 3:00 p.m., Monday through Friday when school is in session:

1. The west side of Mashell Avenue between Lynch Creek Road and Lynch Street;

2. The north side of Lynch Street between Mashell Avenue and Rainier Avenue. (Ord. 2009-18 § 2, 2009).

**10.16.020 No parking – Friday morning – For purposes of street cleaning – Where.**

It is unlawful to park vehicles on the following streets within the town on Friday morning of each week between the hours of three a.m. and seven a.m., said streets being designated as follows:

A. Center Street East and West, from Berggren Road to Eatonville Highway.

B. Mashell Avenue North and South, from Lynch Street to Alder Street.

C. Washington Avenue North and South, from Lynch Street to Larson Street.

D. Larson Street East, from Mashell Avenue to Washington Avenue. (Ord. 98-05 § 1, 1998; Ord. 95-09 § 1, 1995; Ord. 71-7 § 1, 1971).

**10.16.021 Restricted parking – Residential areas.**

It is unlawful for any trucks six tons or larger, or for the trailers for any of said trucks to park along the streets abutting residential lots for longer than one hour. The chief of police is authorized to issue temporary parking permits for trucks or trailers

performing some type of service for the residences. (Ord. 96-09 § 1, 1996).

**10.16.024 Reserved parking – Residential and commercial areas.**

It shall be unlawful for any person to reserve or attempt to reserve any portion of a street which in any way prevents or interferes with the driver of a vehicle from parking in a lawful parking spot on a public street. (Ord. 99-24 § 1, 1999).

**10.16.030 U-turns – Prohibited where.**

A. U-turns on Mashell Avenue at the intersections of Larson Street and Mashell Avenue, and East Lynch Street and Mashell Avenue are prohibited.

B. Appropriate traffic signs indicating the provisions for no U-turns on Mashell Avenue at the above intersections shall be installed by the chief of police. (Ord. 265 §§ 1, 2, 1969).

**10.16.035 Left-hand turns onto Carter Street – Prohibited when.**

From the hours of 7:30 a.m. to 8:30 a.m., and 2:30 p.m. to 3:00 p.m., it is unlawful to turn left from Washington Avenue North onto Carter Street East or onto Carter Street West. (Ord. 2004-06 § 1, 2004).

**10.16.040 Standing or parking close to curb.**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the wheels of the vehicle on that side which is consistent with the lawful movement of traffic within 12 inches of the curb or edge of the roadway except as otherwise provided in this chapter. (Ord. 98-05 § 2, 1998).

**10.16.050 Angle parking location.**

The public works director shall determine the locations for angle parking, except that angle parking cannot be permitted on any federal-aid or state highway unless the state transportation commission has determined by resolution or order that the roadway is sufficient width to permit angle parking without interfering with the free movement of traffic. (Ord. 98-05 § 3, 1998).

**10.16.060 Standards for angle parking.**

An area dedicated to angle parking, which is in the public right-of-way, shall be surfaced with Portland cement concrete or asphaltic concrete paving. Paving shall have adequate surface water drainage. The minimum depth of parking stalls, and the roadway provided for maneuvering in and out of the parking stalls, shall be as follows:

**Width of Parking Stall Plus Maneuvering Area**

Parking angle	One sided parking	Two sided parking
90 degree	44.0 feet	62.0 feet
60 degree	36.8 feet	59.6 feet
45 degree	33.2 feet	57.4 feet

All parking stalls should be striped, at the minimum of 8.5 feet. The public works director shall determine the width of parking stalls plus maneuvering areas for all angle parking, other than the angle parking shown above. The public works director shall have the authority to use off-street parking standards for consideration of angle parking in streets with 80 feet or greater right-of-way width. (Ord. 98-05 § 4, 1998).

**10.16.070 Angle parking – Obedience to markings.**

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. (Ord. 98-05 § 5, 1998).

**10.16.080 Permit for loading or unloading at an angle to the curb.**

The chief of police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein; and it is unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit; provided, however, that no permit issued under this section shall be exclusive. (Ord. 98-05 § 6, 1998).

**10.16.090 Parking not to obstruct pedestrians.**

No person shall park any vehicle upon a sidewalk or crosswalk, or in any location from which a portion of said vehicle overhangs a sidewalk or crosswalk. Crosswalks shall, for purposes of this paragraph, be considered to extend across all street intersections, whether crosswalks are marked or unmarked. Marked crosswalks shall remain unobstructed for their full width, from outside edge to outside edge of paint stripe. Unmarked crosswalks shall remain unobstructed from the extended right-of-way of the intersecting streets. (Ord. 98-05 § 7, 1998).

**10.16.100 Parking not to obstruct traffic.**

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave less than 18 feet of the width of the roadway for free movement of vehicular traffic. (Ord. 98-05 § 8, 1998).

**10.16.110 Parking in alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 16 feet of the width of the roadway for the free movement of vehicular traffic. (Ord. 98-05 § 9, 1998).

**10.16.120 Parking not to obstruct driveways.**

No person shall stop, stand, or park any vehicle in any street or alley in such a position as to block the driveway entrance to any abutting property, unless such vehicle is registered with an owner's address which can be used to determine that the

driveway in question provides access only to the vehicle owner. (Ord. 98-05 § 10, 1998).

**10.16.125 Parking not to obstruct mailboxes.**

No person shall stop, stand, or park any vehicle in any street or alley in such a position as to leave less than 20 feet unobstructed on each side of a curbside or roadside mailbox, for vehicular access to such mailbox. (Ord. 98-07 § 1, 1998).

**10.16.130 Parking not to obstruct fire hydrants.**

No person shall park any vehicle so as to obstruct a fire hydrant. A fire hydrant shall be considered to be obstructed if a vehicle is parked in a rectangle measuring 10 feet from a fire hydrant, measured parallel with the street centerline, and to the street centerline and right-of-way line to surround the hydrant. (Ord. 98-05 § 11, 1998).

**10.16.135 Parking and storage of a motor vehicle.**

It shall be unlawful to park or store a motor vehicle which is temporarily or permanently inoperative for any reason whatsoever, including lack of proper license, within the right-of-way of a public street or alley. Parking for emergency repairs not requiring more than 48 consecutive hours total time shall not be considered a violation. (Ord. 99-24 § 2, 1999).

**10.16.140 Parking adjacent to schools.**

A. The chief of police is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. 98-05 § 12, 1998).

**10.16.150 Parking prohibited on narrow streets.**

A. The chief of police is authorized to erect signs indicating no parking upon both sides of a street when the width of the improved roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the improved roadway is between 20 and 28 feet.

B. When official signs prohibiting parking are erected upon narrow streets as authorized in this section no person shall park a vehicle upon any

such street in violation of any such sign. (Ord. 98-05 § 13, 1998).

**10.16.160 No stopping or parking near hazardous or congested places.**

A. The chief of police is authorized to determine and designate by proper signs, places not exceeding 100 feet in length, in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. Stopping, standing or parking a vehicle is prohibited:

1. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the end of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

2. Within 20 feet of a crosswalk.

C. When either official signs are erected at hazardous or congested places or the curb is painted yellow, as authorized in this section, no person shall stop, stand, or park a vehicle in any such designated place. (Ord. 98-06 § 1, 1998; Ord. 98-05 § 14, 1998).

**10.16.170 Violation – Penalty.**

Any person violating any provision of this title, whether as principal, or agent or employee, for which violation no other penalty is prescribed, shall be guilty of a traffic infraction, and, upon conviction shall be assessed a monetary penalty of not less than \$20.00 for each parking violation. (Ord. 98-06 § 2, 1998; Ord. 98-05 § 15, 1998).

## Chapter 10.18

### RECREATIONAL VEHICLES, TRAILERS AND BUSES

#### Sections:

- 10.18.010 Definitions.
- 10.18.020 Recreational vehicle parking.
- 10.18.030 Trailer parking.
- 10.18.040 Bus parking.
- 10.18.050 Violation – Penalty.

#### **10.18.010 Definitions.**

A. Recreational Vehicle (See EMC 18.02.338).

1. “Recreational vehicle” means a motorized vehicle that includes a cabin for living accommodations and is commonly used, or suitable for use, for recreational travel and touring. Vehicles included in this category come in several forms: travel trailers, tent trailers, and camping trailers, all of which must be towed by a car or truck; and truck campers, motor homes and campervans, all of which have the motor within the body of the vehicle. It may also include any motorized or non-motorized vehicle, boat, boat trailer, or other vehicle used, or suitable for use, for recreational purposes.

B. Trailer.

1. “Trailer” means a vehicular type unit primarily designed for the transport of freight by road drawn by truck or tractor. Trailers shall include but are not limited to semi trailers, flat beds, utility trailers, boat trailers and equipment designed to be towed by a vehicle. Trailers that include a cabin for living accommodations including travel trailers, tent trailers, and camping trailers shall not be considered a trailer for the purposes of this chapter.

C. Bus.

1. “Bus” means a large motor vehicle used, or suitable for use, for the transportation of more than 15 passengers, and includes school buses, inter-city buses, shuttle buses, and transit buses. (Ord. 2006-07 § 1, 2006).

#### **10.18.020 Recreational vehicle parking.**

A. Recreational vehicles as defined in EMC 10.18.010(A)(1) shall not be parked on town of Eatonville streets or rights-of-way for more than 24 consecutive hours without first obtaining an RV parking permit from the town of Eatonville police department.

B. Recreational vehicle parking permits shall be available free of charge from the Eatonville police department.

C. Recreational vehicle permits shall only be valid for two weeks and shall only be issued to a particular recreational vehicle or applicant once every six weeks. The chief of police or mayor may amend these limits for a particular applicant under special or unusual circumstances in writing at his or her discretion.

D. Recreational vehicles shall not be connected to utilities while parked on town streets.

E. Recreational vehicles as defined in EMC 10.18.010(A)(1) shall not be parked on town streets except when fully engaged with the towing vehicle. Vehicles which are fully engaged with the towing vehicle shall not be parked on town streets or rights-of-way for a duration which exceeds 24 hours.

F. Recreational vehicle parking permit applications shall be drafted by the chief of police. (Ord. 2006-07 § 2, 2006).

#### **10.18.030 Trailer parking.**

A. Trailers shall not be parked on town streets or rights-of-way for more than 24 hours.

B. Towable signage and equipment related to police, public works, WSDOT, and public and private utility uses are exempt from this section. (Ord. 2006-07 § 3, 2006).

#### **10.18.040 Bus parking.**

Buses shall not be parked on town streets or rights-of-way for more than 24 consecutive hours. (Ord. 2006-07 § 4, 2006).

#### **10.18.050 Violation – Penalty.**

Any person violating any provision of EMC 10.18.020, 10.18.030, or 10.18.040, whether as principal, agent or employee, for which violation no other penalty is prescribed, shall be guilty of an infraction, and upon conviction shall be assessed a monetary penalty of not less than \$50.00 for each violation. Each day such a violation continues shall be considered a separate, distinct infraction. (Ord. 2006-07 § 5, 2006).

**Chapter 10.20**

**REMOVAL OF VEHICLES**

(Repealed by Ord. 2010-11)\*

\*Code reviser’s note: Ord. 2010-11 incorrectly cited the repeal of Ch. 8.09 EMC; the intent was to repeal Ch. 10.20 EMC.

**Chapter 10.21**

**VEHICLE IMPOUNDMENT – DUI ARRESTS**

Sections:

- 10.21.010 Period of impoundment.
- 10.21.020 Redemption of impounded vehicles.
- 10.21.030 Post-impoundment hearing procedure.
- 10.21.040 Administrative fee (storage).

**10.21.010 Period of impoundment.**

A. Whenever the driver of a vehicle is arrested for a violation of RCW 46.51.502, 46.51.504, 46.20.342 or 46.20.420, the vehicle is subject to impoundment at the direction of a police officer.

B. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver’s status is suspended third degree, the vehicle may be impounded until a person eligible to redeem it under EMC 10.21.020(A) satisfies the requirements of EMC 10.21.020(B).

C. If a vehicle is impounded because the driver is in violation of RCW 46.20.342(l)(a) or (b), the vehicle may be impounded for up to 30 days at the written direction of the Eatonville police department.

D. If the Washington Department of Licensing’s records show that the driver has been convicted of a violation of RCW 46.20.342(l)(a) or (b) within the past five years, the vehicle may be impounded at the written direction of the Eatonville police department for up to 60 days, and for up to 90 days if the driver has two or more such prior offenses. (Ord. 99-02 § 1, 1999).

**10.21.020 Redemption of impounded vehicles.**

Vehicles impounded by the town shall be redeemed only under the following circumstances:

A. Only the legal owner, registered owner, a person authorized in writing by the registered owner, or one who has purchased the vehicle from the registered owner, who produces proof of ownership or written authorization and signs receipt therefore, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to EMC 10.21.010 must, prior to redemption, establish that he or she has a valid driver’s license. A vehicle impounded pursuant to EMC 10.21.010 can be released only pursuant to a written order from the police department of a court.

B. Any person so redeeming a vehicle impounded by the town shall pay all towing, removal, storage, and administrative fees prior to

redeeming such vehicle. If the vehicle was impounded pursuant to EMC 10.21.010 because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines, or forfeitures owed by the registered owner have been satisfied.

C. In accordance with RCW 46.55.120(2)(a), the registered towing operator shall give to each person who seeks to redeem an impounded vehicle written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered towing operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided. The towing operator shall accept payment as provided in RCW 46.55.120(1)(b), as now and hereafter amended.

D. The chief of police is authorized to release a vehicle impounded pursuant to EMC 10.21.010 prior to the expiration of any period of impoundment upon petition of the spouse of the driver, based on economic or personal hardship to such spouse or domestic partner resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from the release of the vehicle, including, but not limited to, the driver's criminal history, driving record, license status and access to the vehicle; provided they meet the requirements of EMC 10.21.020(A) and (B). (Ord. 99-02 § 2, 1999).

#### **10.21.030 Post-impoundment hearing procedure.**

A person aggrieved by the impoundment procedure has a right to contest the validity thereof by filing a written request on a form provided by the town with the Eatonville municipal court and paying a filing fee in the amount of the civil filing fees for district court. The application must be filed within 10 days of the date a written notice was issued by the tow truck operator pursuant to RCW 46.55.120(2)(a), or the right to a hearing is waived: RCW 46.55.120 is hereby adopted by reference including any subsequent amendments thereto. The court shall hold a hearing on the petition and grant relief in accordance with RCW 46.55.120. (Ord. 99-02 § 3, 1999).

#### **10.21.040 Administrative fee (storage).**

A storage fee of \$8.00 per day shall be levied upon each vehicle redeemed under the specifications of EMC 10.21.020. The fee shall be remitted to the Eatonville town clerk. The fee shall be for the purpose of offsetting, to the extent practicable, the cost to the town of implementing, enforcing, and administering the provisions of this chapter and shall be deposited in an appropriate account. (Ord. 99-02 § 4, 1999).

**Chapter 10.22**

**COMPRESSION BRAKES**

Sections:

- 10.22.010 Motor vehicle brakes – Operation by engine compression – Nuisance.
- 10.22.020 Motor vehicle brakes – Operation by engine compression – Prohibited.
- 10.22.030 Motor vehicle brakes – Operation by engine compression – Violation.

**10.22.010 Motor vehicle brakes – Operation by engine compression – Nuisance.**

The use within the corporate limits of the town of motor vehicle brakes which are activated or worked by the compression of the engine of a motor vehicle disturbs and disrupts the public peace and quiet and disturbs the residents of the town in the rest and enjoyment of their property, and by reason thereof, the town council finds that the use of such brakes within the corporate limits of the town is a public nuisance. (Ord. 86-8 § 1, 1986).

**10.22.020 Motor vehicle brakes – Operation by engine compression – Prohibited.**

The use within the corporate limits of the town of any motor vehicle brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof is prohibited. (Ord. 86-8 § 1, 1986).

**10.22.030 Motor vehicle brakes – Operation by engine compression – Violation.**

Any person who violates any of the provisions of this chapter, or who allows or permits any motor vehicle owned and/or operated by the person to be operated in violation of any of the provisions of this chapter is guilty of a misdemeanor. (Ord. 86-8 § 1, 1986).

**Chapter 10.24**

**HORSES AND MOTORCYCLES**

Sections:

- 10.24.010 Riding prohibited where.
- 10.24.020 Mashell Avenue – Horses prohibited – Exceptions.
- 10.24.030 Violation a misdemeanor.

**10.24.010 Riding prohibited where.**

Commencing immediately with the effective date of the ordinance codified in this chapter, it is unlawful to ride motorcycles or horses in any town park, cemetery or school grounds within the town. (Ord. 72-10 § 1, 1972).

**10.24.020 Mashell Avenue – Horses prohibited – Exceptions.**

Commencing immediately with the effective date of the ordinance codified in this chapter, it is unlawful to ride a horse upon Mashell Avenue within the town except for the purposes of crossing the street and except in the case of an authorized parade or other authorized activity. (Ord. 72-10 § 2, 1972).

**10.24.030 Violation a misdemeanor.**

The violation of this chapter shall be deemed to be a misdemeanor. (Ord. 72-10 § 3, 1972).

## Chapter 10.28

### BICYCLES, SKATEBOARDS, ROLLER SKATES, ROLLERBLADES AND SCOOTERS

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#### 10.28.010 Purpose and policy.

A. This chapter is enacted as an exercise of the authority of the town of Eatonville to protect and preserve the public health and welfare of its citizens. Its provisions shall be liberally interpreted for the accomplishment of these purposes.

B. It is the express purpose of this chapter to provide for and to promote the health and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

C. It is the specific intent of this chapter to place the obligation of complying with its requirements upon any person falling within this scope, and no provision of, nor term used in, this chapter is intended to impose any duty whatsoever upon the town of Eatonville or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

D. Nothing contained in this chapter is intended to be, nor shall be, construed to create or to form the basis for a liability on the part of the town of Eatonville, or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter, or by reason or in consequence of any

act or omission in connection with the implementation or enforcement of this chapter on the part of the town of Eatonville by its officers, employees or agents. (Ord. 2008-26, 2008).

#### 10.28.020 Definitions.

As used in this chapter, the following terms shall have the meanings indicated unless every context clearly requires otherwise:

A. “Bicycle” means every device propelled solely by human power upon which a person or persons may ride having two tandem wheels, or three-wheeled devices propelled solely by human power upon which a person or persons may ride as identified in RCW 46.04.071. Within this chapter, the term “bicycle” shall include any attached trailers, side cars, and/or other device being towed by a bicycle.

B. “Guardian” means a parent, legal guardian, an adult with custody, or temporary guardian who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of 18 years.

C. “Helmet” means a head covering that meets or exceeds safety standards adopted by 16 CFR 1203 set by the Office of Compliance for the U.S. Consumer Product Safety Commission or such subsequent nationally recognized standard for bicycle, skateboard, rollerblade, and scooter helmet performance as the town council may adopt.

D. “Public area” means public roadways, bicycle paths, parks, or any right-of-way or publicly owned facility under the jurisdiction of the town of Eatonville. (Ord. 2008-26, 2008).

#### 10.28.030 Helmet required.

A. Any person bicycling, skateboarding, rollerblading or skating, riding a scooter or riding as a bicycle passenger on or in tow of a bicycle, skateboard, rollerblade or roller skate or scooter upon any public area in the town of Eatonville shall wear an approved helmet designed for safety that meets or exceeds the standards Z-90.4 set by the American National Standards Institute or the Snell Foundation, or a subsequent nationally recognized standard for bicycle helmet performance, and shall have either the neck or chin strap of the helmet fastened securely while the bicycle, skateboard, rollerblade, roller skate, or scooter is in motion.

B. No person shall transport another person on or in tow of a bicycle, skateboard, rollerblade, roller skate, or scooter upon any public area in the jurisdiction of the town of Eatonville unless the

passenger is wearing a helmet that meets the requirements of this chapter.

C. A parent or guardian is responsible for requiring that a child under the age of 18 years wears an approved helmet while bicycling, skateboarding, roller skating, riding a scooter or riding as a passenger on a bicycle, skateboard, rollerblading, roller skate, or scooter in any public area in the town of Eatonville, and has the neck or chin strap of the helmet fastened securely. (Ord. 2008-26, 2008).

**10.28.040 Bicycle, skateboard, roller skate, scooter races and events – Helmet required.**

A. Any person managing a bicycle, skateboard, roller skate, rollerblade, or scooter race, an organized event involving bicycling, skateboarding, roller skating, riding a scooter, or a bicycle tour in the public areas of the town of Eatonville shall require that all participants on or in tow of bicycles, skateboards, roller skates, rollerblades or scooters wear approved helmets.

B. The person managing any such event shall include the helmet requirement in any promotional brochures and on registration materials. (Ord. 2008-26, 2008).

**10.28.050 Bicycle, skateboard, roller skate, rollerblades, scooter leasing or loan – Helmet required.**

A. Any person engaging in the business of renting or loaning (e.g., “a test drive”) any bicycle, skateboard, roller skates, rollerblades or scooter for use in any public place in the town of Eatonville shall supply the persons leasing or using bicycles, skateboards, roller skates, rollerblades or scooters with approved helmets as defined herein, along with the bicycles, skateboards, roller skates, rollerblades or scooters, unless the bicycle, skateboard, roller skate, rollerblade or scooter riders and passengers possess approved helmets of their own, and offer proof thereof, for use with the bicycle, skateboard, roller skates, rollerblades or scooter.

B. The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle, skateboard, roller skates, rollerblades or scooter of the helmet requirements of this chapter.

C. It is not a defense to this section for a person wearing an unapproved helmet that the helmet was furnished in conjunction with his or her lease of a bicycle, skateboard, roller skates, rollerblades or scooter by a person engaged in the business of renting bicycles, skateboards, rollerblades, roller

skates, or scooters, and that the helmet was fastened securely while bicycling, skateboarding, roller skating, roller blading or riding a scooter. (Ord. 2008-26, 2008).

**10.28.060 Helmet sales – Safety standards.**

No person shall sell or offer for sale a helmet that does not meet or exceed the safety standards set by the U.S. Consumer Product Safety Commission, Office of Compliance Requirements for Bicycle Helmets, or such subsequent nationally recognized standard for helmet performance as the town of Eatonville may adopt. (Ord. 2008-26, 2008).

**10.28.070 Use of bicycles, skateboards, rollerblades, roller skates and scooters on public rights-of-way, parks and sidewalks.**

A. Any person operating bicycles, skateboards, rollerblades, roller skates or scooters on a sidewalk or walking path shall use due care and caution and be in complete control of said conveyance and must yield to pedestrians.

B. Any person operating bicycles, skateboards, rollerblades, roller skates or scooters entering a crosswalk must walk their bicycle, skateboard, or scooter through the entire crosswalk area.

C. No person shall operate any bicycle, skateboard, rollerblades, roller skates, or scooters in a mechanically unsafe manner. (Ord. 2008-26, 2008).

**10.28.075 Motorized scooters.**

A. The following definition shall be used in this chapter:

1. “Motorized foot scooter” means a device with no more than two 10-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion.

B. Purpose. For purposes of this section, a “pocket bike” and “mini chopper” are considered motorized foot scooters. A motor driven cycle, a moped, an electric assisted bicycle, or a motorcycle is not a motorized foot scooter as long as the wheels exceed 10 inches in diameter.

1. Motorized foot scooters shall not be operated upon a public roadway by any person under the age of 16 years.

2. Motorized foot scooters shall not be operated on public roadways with a speed limit of greater than 25 miles per hour.

3. Operators of motorized foot scooters shall adhere to all rules of the road applicable to motorized vehicles.

4. Motorized foot scooters shall not be operated on town owned property, town parks, walkways, paths, trails, sidewalks, or any other place where other motorized vehicles are expressly prohibited.

5. Motorized foot scooters shall not be operated on publicly owned parking lots, and privately owned parking lots without the permission of the owner.

6. Motorized foot scooters shall not be operated at any time during one-half hour after sunset to one-half hour before sunrise unless equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the State Patrol which shall be visible from all distances up to 600 feet to the rear when directly in front of lawful low beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. A light emitting diode flashing taillight visible from a distance of 500 feet to the rear may also be used in addition to the red reflector.

7. Only one person shall be on a motor-scooter at a time and shall not transport or tow another person or any object within the town of Eatonville.

8. Motorized foot scooters shall not be operated in such a manner as to endanger any person or property, or to obstruct, hinder or impede the lawful course of travel of any motor vehicle.

9. Motorized foot scooters shall be equipped so that the drive motor is engaged through a switch lever or other mechanism that when released will cause the drive motor to go into neutral and disengage or cease to function.

10. It is unlawful for any parent, guardian or other person having control or custody of a child under the age of 16 years of age to allow said minor to operate a motorized foot scooter in violation of this section.

11. Any person operating a motorized foot scooter while in the town of Eatonville shall wear an approved helmet designed for safety and shall have either the neck or the chin strap of the helmet fastened securely while the motorized foot scooter is in motion.

12. "Helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to the inside hard shell, and a neck or chin strap type retention system, with a label required by the Federal Consumer Product Safety Commission adopted by the 16 CFR 1203.

13. Operation of a motorized foot scooter is subject to provisions of the town of Eatonville noise ordinance, Chapter 8.11 EMC, Public Noise Nuisances. Operation of a gas motorized foot scooter without a muffling device, or operation with a modified muffling device is unlawful.

C. Penalty of Noncompliance. Any person, including a parent or guardian, violating any of the provisions of this chapter shall have committed a civil nontraffic violation and shall for a first infraction be given a written warning, for a second infraction shall be liable for a monetary penalty of \$20.00 and for each additional infraction shall be liable for a monetary penalty of \$124.00. (Ord. 2009-10 §§ 1 – 3, 2009).

#### **10.28.080 Penalties – Civil nontraffic violations.**

A. Any person, including a parent or guardian, violating any of the provisions of this chapter shall have committed a civil nontraffic violation and shall for a first infraction be given a written warning, for a second infraction shall be liable for a monetary penalty of \$20.00 and for each additional infraction shall be liable for a monetary penalty of \$76.00.

B. The court may waive, reduce, or suspend the penalty and clear the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year, and provides proof that he or she has acquired an approved helmet at the time of appearance in court.

C. Each child under 18 not meeting the requirements of EMC 10.28.030 shall represent a separate violation.

D. Each rental and each event under EMC 10.28.040 shall be a separate violation. (Ord. 2008-26, 2008).

#### **10.28.090 Enforcement.**

A. The town of Eatonville police department shall be responsible for enforcing the provisions of this chapter.

B. For the purpose of this chapter, law enforcement officers may at their discretion:

1. Enter, during business hours, the premises of a business selling, repairing, or renting bicycles, skateboards, roller skates, rollerblades,

scooters or selling sporting or recreation equipment to determine compliance with this chapter;

2. Post notice outside the premises of a business that offers for sale, rent, or other public use bicycle, skateboard, roller skate, rollerblades or scooter helmets that do not meet the safety standards of this chapter, so that the public is informed; and

3. Stop a bicycle, skateboard, roller skate, rollerblade and scooter race, an organized event involving bicycling, skateboarding, roller skating, riding a scooter, or a bicycle tour that takes place in a public area when there is conspicuous disregard for the requirements of this chapter, involving multiple infractions. (Ord. 2008-26, 2008).

**10.28.100 Information and education.**

A. Information on the need for bicycle, skateboard, roller skate, rollerblade and scooter helmets, safe helmet use, safe bicycle, skateboard, roller skate, rollerblade and scooter operation, and existing bicycle, skateboard, roller skate, rollerblade and scooter safety programs are available at the town of Eatonville police and fire department.

B. The town of Eatonville encourages any person engaging in the business of selling bicycles, skateboards, roller skates, rollerblades and scooters to include information on bicycle, skateboard, roller skate, rollerblade and scooter safety and the helmet requirements of this chapter with each bicycle, skateboard, roller skate, rollerblades and scooter sold.

C. The town of Eatonville encourages any person engaging in the business of selling bicycle, skateboard, roller skate, rollerblade and scooter helmets to include information on safe helmet usage with each helmet sold. (Ord. 2008-26, 2008).

**Chapter 10.29**

**HELMETS REQUIRED**

(Repealed by Ord. 2008-26)