

Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Traffic Code**
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Chapter 10.04**TRAFFIC CODE**

Sections:

- 10.04.010 Adoption by reference.
- 10.04.020 Nonsuspension of filing fees in certain cases.
- 10.04.030 Disposition of traffic fines, costs and forfeitures.
- 10.04.040 Copies on file.

10.04.010 Adoption by reference.

The “Washington Model Traffic Ordinance,” Chapter 308-330 WAC, is hereby adopted by reference as the traffic code of the city of Newport as if set forth in full and is attached to the ordinance codified in this section and incorporated herein as though fully set forth. (Ord. 937 § 1, 2000)

10.04.020 Nonsuspension of filing fees in certain cases.

In all cases, if the court determines that an infraction, misdemeanor or gross misdemeanor was committed, payment of the city’s costs in filing the case shall not be suspended or deferred. (Ord. 937 § 1, 2000)

10.04.030 Disposition of traffic fines, costs and forfeitures.

All fines, costs and forfeitures collected for violation of any of the provisions of this chapter shall be paid into the general fund of the city. (Ord. 937 § 1, 2000)

10.04.040 Copies on file.

The city clerk/treasurer is directed to publish the adopting ordinance, authenticate by signing and record a copy of the Washington MTO Chapter 308-330 WAC and retain it on file along with the adopting ordinance in the city clerk’s office for review by the public. (Ord. 937 § 1, 2000)

Chapter 10.08**ARTERIAL STREETS**

Sections:

- 10.08.010 Designated.

10.08.010 Designated.

The following streets and avenues of the city are designated and established as arterial streets:

- A. First Street from Union Avenue to the westerly city limits;
- B. Union Avenue from Walnut Street to Fourth Street;
- C. Fourth Street from Washington Avenue to State Avenue;
- D. Calispel Avenue from State Highway No. 2 to Spruce Street;
- E. Pine Street from State Avenue to Union Avenue and from Union Avenue to Washington Avenue;
- F. Walnut Street from State Avenue to Warren Avenue, and from Warren Avenue, which is the beginning point of SR 20, to the northerly city limits;
- G. From Walnut Street southerly on Washington Avenue to Fourth Street, and from Fourth Street, which is the beginning point of SR 2, to the southerly city limits;
- H. Spruce Street from Washington Avenue to Calispel Avenue;
- I. Fifth Street as extended from Calispel Avenue to the east boundary line of the Newport Consolidated Joint School District No. 56-415;
- J. Garden Avenue from First Street to Fifth Street as extended;
- K. Scott Avenue from First Street to Spruce Street. (Ord. 935 § 2, 2000)

Chapter 10.12

ONE-WAY STREETS

Sections:

10.12.010 Designated.

10.12.010 Designated.

The following streets and avenues of the city are designated and established as one-way streets:

A. Fourth Street, between Washington Avenue and Spokane Avenue, is designated a one-way street for westbound vehicular traffic only.

B. Washington Avenue from Walnut Street to Fourth Street is designated a one-way street for southbound vehicular traffic only.

C. Fourth Street from Washington Avenue to Union Avenue is designated a one-way street for eastbound vehicular traffic only.

D. Union Avenue from Fourth Street to Walnut Street is designated a one-way street for northbound vehicular traffic only. (Ord. 936 § 2, 2000)

Chapter 10.16

SPEED LIMITS

Sections:

10.16.010 *Repealed.*

10.16.020 *Repealed.*

10.16.030 *Repealed.*

10.16.040 *Repealed.*

10.16.050 Extension of 25 mph zone.

10.16.010 Purpose.

Repealed by Ord. 1017. (Ord. 515 § 1, 1975)

10.16.020 Highway designated.

Repealed by Ord. 1017. (Ord. 515 § 2, 1975)

10.16.030 Copy transmittal.

Repealed by Ord. 1017. (Ord. 515 § 3, 1975)

10.16.040 Signposting.

Repealed by Ord. 1017. (Ord. 515 § 4, 1975)

10.16.050 Extension of 25 mph zone.

The 25 mph speed zone on SR 20 within the city of Newport is hereby extended from milepost 436.49 to the north city limits at milepost 436.75. (Ord. 1005 § 1, 2004)

Chapter 10.20**PARKING AND LOADING ZONES**

Sections:

- 10.20.010 Definitions.
- 10.20.020 Citywide 48-hour parking zone designated.
- 10.20.030 Forty-eight-hour parking time limit – Violation.
- 10.20.040 Two-hour parking zones designated.
- 10.20.050 Fifteen-minute parking zones designated.
- 10.20.060 Ten-minute parking zones.
- 10.20.065 Loading zones.
- 10.20.070 No parking/tow-away zones.
- 10.20.071 Temporary no parking/ tow-away zones.
- 10.20.073 Impound/towing extraordinary circumstances.
- 10.20.075 Disabled parking – Violations.
- 10.20.076 Failure to display handicapped parking placard.
- 10.20.080 Markings.
- 10.20.090 Parallel, diagonal and perpendicular parking zones.
- 10.20.100 Enforcement.
- 10.20.110 Overtime parking prohibited.
- 10.20.111 Notice of violation – Procedures.
- 10.20.130 Penalty for violation.

10.20.010 Definitions.

For the purpose of this chapter:

A. “Person” means every natural person, firm, copartnership, corporation, association or organization.

B. “Vehicle” means any motorized or non-motorized device capable of being moved upon a public way and by which persons or property may be transported or drawn, excluding devices moved solely by human power. (Ord. 934 § 2, 2000)

10.20.020 Citywide 48-hour parking zone designated.

All streets, avenues and highways of the city are hereby designated a 48-hour parking zone, unless signage indicates the area is a two-hour

parking zone, a 15-minute parking zone, a 10-minute parking zone, a loading zone or a no parking zone. (Ord. 934 § 2, 2000)

10.20.030 Forty-eight-hour parking time limit – Violation.

It is a violation of this section for any person to cause, allow, permit or suffer any vehicle to be parked within the citywide 48-hour parking zone for a period in excess of 48 continuous hours. (Ord. 934 § 2, 2000)

10.20.040 Two-hour parking zones designated.

The following described portions of the following named avenues and streets in the city are established as two-hour parking zones Monday through Saturday, except holidays, between the hours of 6:00 a.m. and 6:00 p.m.:

A. Both sides of the south half of Washington Avenue between First Street and Fourth Street, except for a loading zone on the west side between Second Avenue and Third Street as provided for in this chapter;

B. Both sides of First Street from the alley west of Washington Avenue.

C. Both sides of Second and Third Streets from the alley west of Washington Avenue to the alley east of Washington Avenue; and the south side of Second and Third Streets from the alley west of Washington Avenue to Spokane Avenue; except for a 15-minute parking zone as provided in this chapter;

D. The north side of Fourth Street from the alley west of Washington Avenue, to the alley east of Washington Avenue, and from the alley east 40 feet, except for a no parking zone as provided for in this chapter; and

E. Both sides of the north half of Washington Avenue running south of Pine Street. (Ord. 934 § 2, 2000)

10.20.050 Fifteen-minute parking zones designated.

The following described portions of the following named avenues and streets in the city are established as 15-minute parking zones, Monday through Saturday, except holidays, between the hours of 6:00 a.m. and 6:00 p.m.:

10.20.060

A. Thirty feet directly in front of the main entrance to the funeral home on the south side of Second Street. (Ord. 934 § 2, 2000)

10.20.060 Ten-minute parking zones.

The following described portions of the following named avenues and streets in the city are established as 10-minute parking zones Monday through Saturday, except holidays, between the hours of 6:00 a.m. and 6:00 p.m.:

A. Both sides of First Street from Washington Avenue to the alley east of Washington Avenue and the south half of both sides of Washington Avenue running north from First Street;

B. The south side of Fourth Street from Washington Avenue to the railroad right-of-way. (Ord. 934 § 2, 2000)

10.20.065 Loading zones.

In areas designated "Loading Zone" no vehicle shall stop, stand or be parked for any purpose other than expeditious loading and unloading, in no event for longer than 15 minutes. The north side of Third Street, between Washington Avenue and Spokane Avenue, starting at the alley and running 30 feet west is designated a loading zone. Also designated a loading zone is the west side of Washington Avenue 30 feet directly in front of the sidewalk ramp at 229 South Washington Avenue. (Ord. 934 § 2, 2000)

10.20.070 No parking/tow-away zones.

The following described portions of the following named avenues and streets in the city are established as no parking anytime zones, as set forth below:

A. No parking, both sides of street on Walnut from State Avenue westerly to Warren Avenue;

B. No parking, both sides of Seventh Avenue beginning at SR 2 westerly to the intersection of Old School House Lane;

C. No parking, both sides of Old School House Lane, beginning at the intersection of Seventh Avenue running southerly to the intersection of Cemetery Lane;

D. No parking, Union Avenue, west side of street between Spruce Street and Walnut Avenue;

E. No parking, Highway 2 Washington Avenue west to Spokane Avenue, north side of street;

F. No parking, the south side of Fourth Street, starting at Spokane Avenue to a point 30 feet east to the end of the diagonal parking zone;

G. No parking, the north side of Fourth Street from Washington Avenue, easterly 30 feet;

H. No parking, the north side of Fourth Street from the alley east of Washington Avenue, starting at the crosswalk and running 124 feet, around the corner to the crosswalk on Union Avenue;

I. No parking, the north side of Fourth Street, running 75 feet westerly from Warren Avenue;

J. No parking, Calispel between Fifth Street and SR 2 west side;

K. No parking on Fifth Street from Calispel Avenue 300 feet west, both sides of street;

L. All areas permanently posted within the designated parking zones "No Parking 3 A.M. to 6 A.M. Monday through Sunday."

It is a violation of this chapter to park in any of the "No Parking" areas set forth above at any time. In addition, any vehicle parked in violation of subsections A through L of this section may be impounded and towed away at the owner's expense. (Ord. 934 § 2, 2000)

10.20.071 Temporary no parking/tow-away zones.

From time to time, temporary no parking/tow-away zones will be established when the city is required to perform maintenance on a right-of-way. Except as set forth in NMC 10.20.073, the city shall erect by 5:00 p.m. the day prior to the scheduled maintenance, signage for a temporary no parking/tow-away zone. The signs will indicate "No Parking/Tow-Away" and state the effective dates and hours. It is a violation of this chapter to park or otherwise leave a vehicle in a temporary no parking/tow-away zone during the applicable hours. In addition, any vehicle

parked in violation of this section may be impounded and towed away at the owner's expense. (Ord. 934 § 2, 2000)

10.20.073 Impound/towing extraordinary circumstances.

A. Any officer, upon discovery of a vehicle reported as stolen and not recovered, or any vehicle involved in any extraordinary circumstance as defined in subsection B of this section, may cause the vehicle to be taken into custody and cause it to be taken to and stored in a suitable place, or may cause the vehicle to be placed in the custody of a tow truck operator, and all expenses of towing and storage are to be paid by the vehicle owner.

B. Extraordinary circumstances mean any situation where an emergency exists or public safety is endangered, and any situation in which a vehicle:

1. Is blocking or impeding traffic;
2. Is causing a hazard;
3. Has the potential of impeding any emergency vehicles;
4. Is impeding any snow removal or other road maintenance operation;
5. Is not registered, or displays a license plate registration tag which has been expired for a period in excess of 90 days;
6. After receiving an over time limit citation in any zone whether 48-hour, two-hour, 15-minute, 10-minute or loading zone, remains parked at the same location within the zone an additional 48 hours from the time the first over time limit citation is issued; or
7. Is parked or standing on the sidewalk or on any portion of the curbing along any of the streets of the city. (Ord. 934 § 2, 2000)

10.20.075 Disabled parking – Violations.

A. It is a parking infraction with a monetary penalty of \$250.00 for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without displaying a special license plate or governmentally issued placard if, immediately adjacent to and visible from such stall or space, there is posted a sign known as the "international wheel chair symbol" consisting of a pro-

file view of a stylized wheelchair occupant in white on a blue background.

B. It is a parking infraction with a monetary penalty of \$250.00 for a person to make inaccessible the access aisle located next to a space reserved for physically disabled persons.

If a person is charged with a violation, the person shall not be determined to have committed this infraction if the person produces in court or before the court appearance the special license plate or governmentally issued placard required under law. (Ord. 934 § 2, 2000)

10.20.076 Failure to display handicapped parking placard.

Any person who has a handicapped parking placard must clearly display the placard during all times their vehicle is parked in a handicapped parking space. It is a violation of this chapter for any person who has a handicapped parking placard to fail to display the permit during all times their vehicle is parked in a handicapped parking space. (Ord. 934 § 2, 2000)

10.20.080 Markings.

Vehicle parking spaces within the parking zones shall be established by painted lines or other markings placed upon the curbs and/or streets and must be clearly visible. It is a violation of this chapter to park any vehicle in such a position that it is not entirely within the parking spaces designated by the lines or markings. (Ord. 934 § 2, 2000)

10.20.090 Parallel, diagonal and perpendicular parking zones.

A. Diagonal Parking Zones.

1. The south side of Fourth Street from a point 30 feet east of Spokane Avenue to its intersection with Washington Avenue;
2. Both sides of Garden Avenue, starting at a point 150 feet south, (station 1+74.3) for a distance of 425 feet to the health department driveway, (station 6+12.05).

B. Perpendicular Parking Zones.

1. The east side of Cass Avenue from a point 20 feet south of the southerly right-of-way line of Spruce Street at the intersection of Cass Avenue and Spruce Street for a distance

10.20.100

of 130 feet is designated and established for perpendicular parking.

2. The north side of Second Street east of Union to the west edge of the railroad right-of-way.

3. The east side of north Cass from First Street to the alley north of First Street.

4. The west side of south Fea from the corner of Fourth Street to the alley north of Fourth Street.

C. Parallel Parking Zones. Parallel parking is authorized citywide unless otherwise posted. (Ord. 934 § 2, 2000)

10.20.100 Enforcement.

The chief of police shall establish a uniform system for the regulation of the parking time and for the enforcement of this chapter. The chief of police and the public works directors shall have full authority to adopt administrative orders enacting temporary parking restrictions, not to exceed 30 days, on city streets which are necessary for public health and safety.

A. Procedures. When a problem or issue related to the possible need for a regulatory sign or the possible need to change an existing regulatory sign arises, the chief of police and public works director shall review the situation and shall conduct an evaluation of all relevant factors. The information evaluated shall include, but not be limited to: physical characteristics of the location and site, traffic accident history, traffic volume history, type of street, intersection sign visibility and the nature of the potential problem. If, after the completion of the evaluation, the chief of police and public works director determine that the permanent installation, modification or change of a regulatory sign will correct or improve the situation, the chief of police and public works director shall provide notification in accordance with the provisions of this section.

B. Notification. When the permanent installation or modification of a regulatory sign has been determined to be appropriate, the chief of police and the public works director shall notify the mayor and the city council of the intended action. Upon approval by the city

council, the chief of police and the public works director shall then provide legal notice through the local newspaper of the intent to install or modify a regulatory sign. If required by law, notice shall also be given to property owners within 300 feet of the location of the intended action.

C. Filing With the Public Works Department. All parking restrictions adopted pursuant to this chapter shall be in writing and filed with the public works department and available for public inspection during regular business hours.

D. Parking Prohibited or Limited on Certain Streets. Where signs are erected in each block giving notice that parking is prohibited, no person shall at any time park a vehicle on any of the streets so designated. Where signs are erected on any street or portion thereof, giving notice of a limitation of a period of time for parking, no person shall stand or park a vehicle for longer than the designated period prescribed, or between the hours designated in such sign or signs upon any street so designated.

E. Signs Required. Whenever any parking limitation or prohibition is imposed, except for the "No Parking/Tow-Away" snow removal provisions in NMC 10.20.073, it shall be the duty of the public works director to erect appropriate signs giving notice thereof, and no such restriction, except that contained in NMC 10.20.073, shall be effective unless said signs are erected and in place at the time of the alleged violation. (Ord. 934 § 2, 2000)

10.20.110 Overtime parking prohibited.

It is a violation of this chapter for any person to allow or permit a vehicle to be parked in any parking zone longer than the parking time allowed in that zone. A violation occurs in the event a vehicle is parked in a zone for an accumulated period of time greater than that allowed in that zone. If, after receiving an overlimit citation, a vehicle continues to remain within any zone for a second or subsequent overlimit period, each overlimit period shall constitute a separate offense, subject to a separate citation.

In addition, any vehicle receiving an over time limit citation in any zone, whether a 48-hour zone, a two-hour zone, a 15-minute zone, a 10-minute zone or a loading zone, which remains parked at the same location within the zone an additional 48 hours from the time the first over time limit citation is issued, may be impounded and towed at the owner's expense.

It is no defense that the vehicle has been moved from one parking space to another within a parking zone having the same time limitation, or that the vehicle had been moved out of the zone for less than one hour before being reparked. (Ord. 934 § 2, 2000)

10.20.111 Notice of violation – Procedures.

Notice of violation of the provisions of this chapter will be given in writing upon a form provided by the city for violations of this chapter. The notice of violation will be placed in a conspicuous place on the vehicle parked in violation of this chapter. The notice of violation will require the owner of the vehicle to appear within 15 days at either the City Hall before the clerk and pay the infraction, or at the Pend Oreille County district court to request a hearing to explain the circumstances or contest the infraction. A citation for a violation of this chapter represents a determination that a violation has been committed, and is final unless contested as provided in this section. If the person receiving the citation fails to contact the city clerk within 15 days, then the determination that the infraction was committed is final and not subject to appeal.

If the registered owner fails to respond within 15 days as directed in the citation, the penalty for the violation automatically doubles. Notice will be sent to the registered owner advising the owner of the increased penalty. All unpaid parking infractions which have not been contested within 15 days following issuance and which remain unpaid 30 days following issuance may be referred to a licensed collection agency.

In the event any vehicle has two or more overdue parking citations, notification of the outstanding citations as well as the amounts due will be sent to the Department of Licensing, and consistent with state law, the Depart-

ment of Licensing may place a hold on the renewal of the vehicle license involved in the citation. (Ord. 934 § 2, 2000)

10.20.130 Penalty for violation.

Any violation of this chapter is a civil infraction punishable by monetary penalties as follows:

A. Overtime/overlimit violation of the two-hour business district time limit, the 15-minute time limit, the 10-minute time limit or the loading zone limit for vehicles otherwise legally parked: \$10.00.

B. Overtime/overlimit violation of the city-wide 48-hour parking limit including residential districts for vehicles otherwise legally parked: \$20.00.

C. No parking zones/spaces which are posted "No Parking" with appropriate signage: \$20.00.

D. All other state and local parking violations, including parking outside of marked space, parked less than 20 feet from a crosswalk, parking 15 feet from a fire hydrant, parking within a driveway or less than five feet from the end of the curb radius of a driveway, parking less than 30 feet from a traffic control signal, sign or device, parking over 12 inches from a curb, double parking, parked facing wrong direction (on a two-way street, without right-hand wheels against the right-hand curb, or in the case of a one-way street, without left-hand wheels against the left-hand curb), parking on a sidewalk, parked on a crosswalk, blocking an alley, parking in a designated loading zone without actively loading or unloading passengers and/or parcels, diagonal or perpendicular parking in area designated parallel parking only, parking within an intersection, and all other parking violations as defined in RCW 46.61.570 and 46.61.575: \$15.00.

E. Failure to display disabled placard (applicable where disabled person is otherwise entitled to use of disabled parking space): \$5.00. (Ord. 934 § 2, 2000)

Chapter 10.22

PARKING FOR SNOW REMOVAL

(Repealed by Ord. 934)

Chapter 10.24

SCHOOL ZONES

(Repealed by Ord. 934)

Chapter 10.28

SKATEBOARDS

Sections:

- 10.28.010 Purpose.
- 10.28.020 Short title.
- 10.28.030 Definitions.
- 10.28.040 Applicability.
- 10.28.050 Obedience to traffic control devices.
- 10.28.060 Negligent operation.
- 10.28.070 Restricted operation.
- 10.28.080 Prohibited areas.
- 10.28.090 Right-of-way.
- 10.28.100 Clinging to motor vehicles.
- 10.28.110 Violation – Penalty.

10.28.010 Purpose.

The purpose of this chapter is to restrict and prohibit the negligent use of skateboards, go-carts, scooters, bicycles, or roller skates in the city, banning the same from specified areas, prohibiting the negligent operation and establishing penalties for these violations. (Ord. 789 § 1, 1991)

10.28.020 Short title.

This chapter shall be known and may be cited as the “Newport skateboard chapter”. (Ord. 789 § 2, 1991)

10.28.030 Definitions.

Whenever in this chapter the following terms are used, they shall have the meanings respectively set forth in this section:

A. “Bicycle” means and includes a light vehicle with two tandem wheels, having handle bars and a saddle seat or seats and propelled by the feet acting on treadles connected with levers;

B. “Go-cart” means a vehicle distinguished by its small wheels (usually four) capable of carrying one person, the operator, propelled by a gas engine;

C. “Scooter” means a small-wheeled car or wagon upon or in which one or more child (or children) rides having no mechanical driving power and which is usually propelled by foot by the operator or pushed by an assistant, or

permitted to coast downhill by gravity pull;

D. "Roller skates" means and shall include a pair of shoes, mounted upon a set of wheels or wheels which attach to shoes, and is most often propelled by the user in an upright, standing position or kneeling;

E. "Skateboard" means a short board composed of lumber, plastic or other substance to which is attached a set of roller skate wheels or other similar wheels, and is usually propelled along a smooth, paved hard surface by the user who sometimes stands, sits, kneels or leans on the device while it is in motion. (Ord. 789 § 3, 1991)

10.28.040 Applicability.

A. The parent of any child and the guardian of any ward shall not be authorized or knowingly permit any such child or ward to violate any of the provisions of this chapter.

B. These regulations applicable to skateboards, go-carts, scooters, bicycles, or roller skates shall apply whenever any of the same is operated upon any street, sidewalk or upon any public path or right-of-way set aside for the exclusive use of vehicles or pedestrians subject to those exceptions stated herein. (Ord. 789 § 4, 1991)

10.28.050 Obedience to traffic control devices.

A. Any person operating a skateboard, go-cart, scooter, bicycle or roller skates shall obey the instruction of official traffic control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating that no right or left, or U-turn is permitted, no person operating a skateboard, go-cart, scooter, bicycle, or roller skates shall disobey the direction of any such sign, except where such person dismounts from said vehicle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Ord. 789 § 5, 1991)

10.28.060 Negligent operation.

A. It is a violation of this chapter for any person to operate skateboards, go-carts, scoot-

ers, bicycles, or roller skates in a negligent manner upon any roadway, sidewalk or publicly owned parking lot. For the purpose of this chapter, "to operate in a negligent manner" means the operation of a skateboard, go-cart, scooter, bicycle, or roller skates in such a manner as to endanger or be likely to endanger pedestrians or property, or the operator.

B. No person riding a skateboard, go-cart, scooter, bicycle, or roller skates shall restrict the flow of vehicle traffic in any manner whatsoever. When operating skateboards, go-carts, scooters, bicycles, or roller skates upon any street, the rider shall ride with the flow of traffic and ride as close to the curb as possible. (Ord. 938 § 2, 2000)

10.28.070 Restricted operation.

No person shall operate skateboards, go-carts, scooters, bicycles, or roller skates upon a street or sidewalk during the hours between a half hour after sunset and half hour before sunrise without wearing a reflective device on both the front and back of the skateboard, go-cart, scooter, bicycle or roller skate rider. (Ord. 789 § 7, 1991)

10.28.080 Prohibited areas.

A. No person shall ride a skateboard, go-cart, scooter, bicycle, or roller skates upon a sidewalk within the business district, being Washington Avenue, from the southerly right-of-way at the intersection of Walnut Street and Washington Avenue, along SR-2, to the intersection of 4th Street and Washington Avenue; including all city property known as the Centennial Plaza; all side streets to the alleys nor any other arterial sidewalks, except for Fifth Avenue from Calispel to the high school.

B. The police chief is authorized to erect signs on any sidewalk or roadway prohibiting the riding of skateboards, go-carts, scooters, bicycles, or roller skates thereon by any person and when such signs are in place, no person shall disobey them. (Ord. 789 § 8, 1991)

10.28.090 Right-of-way.

Whenever any person is riding a skateboard, go-cart, scooter, bicycle, or roller skates upon a sidewalk, such person shall yield the right-

of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian so as not to endanger the safety of the pedestrian. (Ord. 789 § 9, 1991)

10.28.100 Clinging to motor vehicles.

Any person riding upon any skateboard, go-cart, scooter, bicycle or roller skates shall not attach the same or himself/herself to any moving vehicle upon any roadway. (Ord. 789 § 10, 1991)

10.28.110 Violation – Penalty.

The violation of any section of this chapter shall be a civil infraction punishable by a monetary penalty not to exceed \$150.00 which includes city filing and investigation costs of \$30.00, and none of the city costs may be suspended or deferred upon a finding that the violation was committed. In the case of children under 18 years of age, the citation will be delivered to the juvenile department for appropriate action. The skateboard, go-cart, scooter, bicycle or roller skates may be confiscated by the police officer and held as evidence until released by the prosecutor or court. (Ord. 938 § 2, 2000)

Chapter 10.32

COMPRESSION BRAKES

Sections:

10.32.010 Compression brakes prohibited.

10.32.020 Fire department.

10.32.030 Signage.

10.32.040 City nonliability.

10.32.050 Penalty.

10.32.010 Compression brakes prohibited.

Except as provided in this chapter, no person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine or any such motor vehicle or any unit or part thereof. It shall be an affirmative defense that said compression brakes were applied in an emergency and were necessary for the protection of the person and/or property. (Ord. 792 § 1, 1991)

10.32.020 Fire department.

This chapter shall not apply to any member of the Newport fire department operating a Newport fire department vehicle, nor to any person operating any public conveyance within the city limits. (Ord. 792 § 2, 1991)

10.32.030 Signage.

The public works field supervisor of the city of Newport is to post signs at the highway entrance to the city informing the public of this chapter. The chief of police is to take reasonable steps to inform the public and businesses of the city of Newport of this chapter and not to drive vehicles with jake brakes through the city of Newport. (Ord. 792 § 4, 1991)

10.32.040 City nonliability.

A. It is expressly the purpose of this chapter to provide for and promote the health, safety 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.

B. It is the specific intent of this chapter that no provision nor term used in this chapter is intended to compose any duty whatsoever

upon the city or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure to comply with the provisions of this chapter, or by reason or consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason or any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 792 § 6, 1991)

10.32.050 Penalty.

The violation of any section of this chapter shall be a civil infraction punishable by a monetary penalty not to exceed \$250.00, which includes city filing and investigation costs of \$30.00, and none of the city costs may be suspended or deferred upon a finding that the violation was committed. (Ord. 939 § 2, 2000)

