

Title 10

VEHICLES AND TRAFFIC

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Chapter 10.04**DEFINITIONS**

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- 10.04.010 Generally.
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10.04.010 Generally.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this chapter, except in those instances where the context clearly indicates a different meaning. (Ord. 357 § 1, 1967)

10.04.020 Vehicle.

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon the public streets excepting devices moved upon stationary rails or tracks. (Ord. 357 § 1(a), 1967)

10.04.030 Motor vehicle.

“Motor vehicle” means every vehicle as defined in this chapter which is self-propelled. (Ord. 357 § 1(b), 1967)

10.04.040 Street.

“Street” means any avenue, way, boulevard, drive, highway, alley, bridge or any and all places open to the public for the purpose of vehicular travel. “Street” does not include a roadway or driveway upon ground owned by private person or persons. (Ord. 357 § 1(c), 1967)

10.04.050 Person.

“Person” means any individual, male or female, corporation or company owning or operating any vehicle upon the city streets. (Ord. 357 § 1(d), 1967)

10.04.060 Owner.

“Owner” means a person who holds legal title of a vehicle, or in the event the vehicle being purchased under conditional sales contract or leased with the right of purchase upon performance of conditions stated in the agreement and with the immediate right of possession vested in the pur-

chaser or lessee or the mortgagee, as the case may be, such person is the owner for the purpose of this chapter. (Ord. 357 § 1(e), 1967)

10.04.070 Operator.

“Operator” means any person who drives or operates a motor vehicle. (Ord. 357 § 1(f), 1967)

10.04.080 Parking.

“Parking” means the stopping of a vehicle on any part of a street and allowing it to remain for any period of time in that position. (Ord. 357 § 1(g), 1967)

Chapter 10.08

**WASHINGTON MODEL
TRAFFIC ORDINANCE**

Sections:

- 10.08.010 Provisions adopted by reference – Designated.
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- 10.08.030 Copies on file.
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- 10.08.060 Penalty – Fines – Misconduct by collecting official.
- 10.08.070 Traffic bail schedule.

10.08.010 Provisions adopted by reference – Designated.

The Washington Model Traffic Ordinance, Chapter 308-330 WAC, is adopted by reference as the traffic ordinance of the city as if set forth in full. (Ord. 1138 § 1, 1994)

10.08.020 Provisions adopted by reference – Exceptions.

The following sections of the MTO are not adopted by reference and are expressly deleted: RCW 46.90.710 and any penalty provisions contained in the sections adopted by reference in WMC 10.08.010, it being the intent of this chapter that WMC 10.08.040 be the exclusive penalty section governing any violation of this chapter. (Ord. 588 § 2, 1976)

10.08.030 Copies on file.

Incident to the adoption of the MTO by reference by this chapter, copies of the text of the adopted MTO and of other adopted statutes shall be filed as required by RCW 35A.12.140 for use and examination by the public. (Ord. 588 § 6, 1976)

10.08.040 Violation – Penalty.

Any person who is convicted of violating or failing to comply with any of the provisions of this chapter shall be punished only by a fine of not more than \$500.00. (Ord. 588 § 3, 1976)

10.08.050 Disposition of fines.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of

this chapter shall be paid into the general fund of the city. (Ord. 588 § 5, 1976)

10.08.060 Penalty – Fines – Misconduct by collecting official.

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture of bail, either before or after deposit in the general fund, to comply with the provisions of WMC 10.08.050 shall constitute misconduct in office and shall be grounds for removal therefrom; provided, appropriate removal action is taken pursuant to state law relating to removal of public officials. (Ord. 588 § 5, 1976)

10.08.070 Traffic bail schedule.

There is established the traffic bail schedule for the city as follows:

Miles Over Posted Limit	Bail	DE	CJ	Total
8	\$16	\$5	\$5	\$26
9	18	5	5	28
10	20	5	5	30
11	22	10	5	37
12	24	10	5	39
13	26	10	5	41
14	28	10	5	43
15	31	10	7	48
16	34	10	7	51
17	37	10	7	54
18	40	10	7	57
19	43	15	7	65
20	46	15	12	73
21	49	15	12	76
22	52	15	12	79
23	55	15	12	82
24	58	15	12	85
25	61	20	12	93
26	64	20	12	96
27	67	20	12	99
28	70	20	12	102
29	75	20	12	107
30	80	20	15	115
31	85	25	15	125
32	90	25	15	130
33	95	25	15	135
34	100	25	15	140

Miles Over Posted Limit	Bail	DE	CJ	Total	Violation	Bail	DE	CJ	Total
35	105	30	15	150	Spilling or failing to secure loads	50	15	12	77
36	110	30	15	155	Failure to comply with restrictive sign	10	5	3	18
37	115	30	15	160	Fail to appear	50	0	0	50
38	120	30	15	165	Driving while intoxicated	200	50	15	265
39	125	35	15	175	Reckless driving	200	50	15	265
40	130	35	15	180	Hit-and-run attended vehicle	200	50	15	265
41	135	35	15	185	Wrong way on freeway	200	50	15	265
					Disobeying school patrol	40	10	7	57
Violation	Bail	DE	CJ	Total	Passing stopped school bus	40	10	7	57
Failure to stop at sign or light	\$20	\$5	\$5	\$30	Altered license/fraudulent loaning	40	10	7	57
Failure to yield right-of-way	20	5	5	30	Driving during period of suspension	200	50	15	265
Following too close	20	5	5	30	Driving in violation of financial responsibility	200	50	15	265
Failure to signal	10	5	3	18	Switching license plates	5	5	3	13
Impeding traffic	20	5	5	30	Physical control while intoxicated	100	20	15	135
Improper lane usage or lane change	20	5	5	30	Failure to acquire Washington driver's license	20	5	5	30
Wrong way on one-way street	10	5	3	18	Expired vehicle license	5	5	3	13
Wrong way on freeway access	50	15	12	77	Missing license plate	5	5	3	13
Negligent driving	50	15	12	77	Out-of-state plates, fraud	200	50	15	265
Failure to dim lights	10	5	3	18	(Ord. 639 § 1, 1977)				
Hit and run unattended vehicle	80	20	15	115					
Improper passing	20	5	5	30					
Prohibited and improper turn	10	5	3	18					
Prohibited U-turn	10	5	3	18					
Crossing double yellow line	20	5	5	30					
Driving on shoulder or sidewalk	15	5	5	25					
Operating with obstructed vision	20	5	5	30					
License not in driver's possession	5	5	3	13					
Violation of license restrictions	20	5	5	30					
No vehicle license	25	10	5	40					
Defective equipment	15	5	5	25					
Defective lights	5	5	3	13					
Throwing or depositing debris	100	25	15	140					

Chapter 10.12**DRIVER IMPLIED CONSENT LAWS**

Sections:

- 10.12.010 Subsections of RCW 46.20.308 adopted.
- 10.12.020 RCW 46.61.506 adopted.
- 10.12.030 Report of refusal to submit to test.
- 10.12.040 RCW 46.61.515 adopted.
- 10.12.050 Copies on file.
- 10.12.060 Precedence over prior city ordinances.

10.12.010 Subsections of RCW 46.20.308 adopted.

Subsections I and II and the first sentence of subsection III of RCW 46.20.308 are adopted by reference. (Ord. 402 § 1, 1969)

10.12.020 RCW 46.61.506 adopted.

RCW 46.61.506 is adopted by reference. (Ord. 402 § 2, 1969)

10.12.030 Report of refusal to submit to test.

The law enforcement officer shall forward to the Department of Motor Vehicles a sworn report that he had reasonable grounds to believe that the arrested person had been driving or was in actual physical control of a motor vehicle upon the state public highways while under the influence of intoxicating liquor and that the person refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive. (Ord. 402 § 3, 1969)

10.12.040 RCW 46.61.515 adopted.

RCW 46.61.515 is adopted by reference. (Ord. 402 § 4, 1969)

10.12.050 Copies on file.

Those RCW sections which are adopted by this chapter by reference are on file with the city clerk who shall keep three copies thereof on file at all times. (Ord. 402 § 5, 1969)

10.12.060 Precedence over prior city ordinances.

If any of the provisions of this chapter are in any way inconsistent with previous ordinances adopted by the city, this chapter shall control. (Ord. 402 § 6, 1969)

Chapter 10.16**SPEED LIMITS**

Sections:

- 10.16.010 Designated.
- 10.16.020 Dike Road.
- 10.16.030 Industrial Road.
- 10.16.040 "D" Street.
- 10.16.050 "E" Street.
- 10.16.060 32nd Street.

10.16.010 Designated.

It is unlawful for any person to operate a motor vehicle on any of the public streets or highways within the city at a speed in excess of 25 miles per hour unless the greater speed is authorized by council and posted upon the street or highway in accordance with the authorization; except, all areas having been annexed to the city shall keep the speed designation as designated by prior jurisdiction until or unless authorized by council action. (Ord. 1202 § 1 (Exh. A), 1995; Ord. 1161 § 1, 1995; Ord. 585 § 1, 1976; Ord. 405 § 1, 1969; Ord. 357 § 5, 1967)

10.16.020 Dike Road.

A private roadway on top of the dike along the north bank of the Columbia River from its intersection with Primary State Highway 14 at 15th Street and extending easterly to the east city limits, except such portions thereof as lie within the right-of-way of Primary State Highway 14, is denominated Dike Road.

The speed limit on Dike Road is established at 25 miles per hour.

No motor vehicles are allowed to travel on Dike Road except as authorized by the port of Camas-Washougal. (Ord. 422 § 1, 1970; Ord. 357 § 7A(c), 1967)

10.16.030 Industrial Road.

The private roadway along the north boundary of the dike extending from the south terminus of 27th Street easterly to the east city limits and extending westerly from said point to its intersection with Dike Road is denominated Industrial Road.

The speed limit on Industrial Road is established at 25 miles per hour. (Ord. 442 § 1, 1970; Ord. 357 § 7A(d), 1967)

10.16.040 “D” Street.

The maximum speed permitted on “D” Street from 15th Street to 19th Street and on Webster Land from 32nd Street to the east city limits shall be 10 miles per hour. (Ord. 483 § 1, 1972)

10.16.050 “E” Street.

The maximum speed permitted on “E” Street from the west city limits to 30th Street, “D” Street transition section from 30th to 32nd Street and “D” Street from 32nd to the east city limits shall be 30 miles per hour. (Ord. 1207 § 1, 1996; Ord. 1202 § 1 (Exh. A), 1995)

10.16.060 32nd Street.

The maximum speed limit on 32nd Street from SR14 to the north city limits shall be 25 miles per hour. (Ord. 1204 § 1, 1996)

Chapter 10.17**ROADWAY CONSTRUCTION ZONES**

Sections:

- 10.17.010 Roadway construction zone.
- 10.17.020 Authority of public works director.
- 10.17.030 Signs.
- 10.17.040 Violations.

10.17.010 Roadway construction zone.

As used in this chapter, “roadway construction zone” shall mean an area where construction, repair, or maintenance work is being conducted by public employees or private contractors, on or adjacent to any public roadway. (Ord. 1684 § 1 (Exh. A), 2011)

10.17.020 Authority of public works director.

The public works director in coordination with the Washougal police chief shall have authority to designate the location and duration of all roadway construction zones, and shall have the authority to establish reduced speed limits for all vehicles traveling within designated construction zones. (Ord. 1684 § 1 (Exh. A), 2011)

10.17.030 Signs.

The persons or entities that are performing the roadway construction, repair, or maintenance work shall place signs in a conspicuous manner to inform all vehicles where the roadway construction zone begins and ends and where any reduced speed limits in the construction zone begin and end, as designated by the public works director. The public works director shall confer with the persons or entities that are performing the roadway construction, repair, or maintenance work to determine the proper location and duration of all roadway construction zones, and shall take into consideration whether roadway construction zone signs and reduced speed limit signs should remain in place or be temporarily removed while no actual construction work is being performed. (Ord. 1684 § 1 (Exh. A), 2011)

10.17.040 Violations.

No person may drive a vehicle in a roadway construction zone at a speed greater than that allowed by the construction zones speed limit signs, or other traffic control devices as defined in RCW 46.04.611.

A person found to have committed any infraction relating to speed restrictions in a roadway con-

struction zone shall be assessed a monetary penalty equal to twice the penalty regularly assessed for the infraction.

A person who drives a vehicle in a roadway construction zone in such a manner as to endanger or be likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device is guilty of reckless endangerment of roadway workers. A violation of this subsection is a gross misdemeanor. (Ord. 1684 § 1 (Exh. A), 2011)

Chapter 10.20

ONE-WAY STREETS

Sections:

10.20.010 Designated.

10.20.020 18th and 19th Streets.

10.20.010 Designated.

Front Street between Main and Burgan is made a one-way street and all vehicles moving on this street shall be driven by the operator of each such vehicle in a westerly direction only. (Ord. 198 § 2, 1954)

10.20.020 18th and 19th Streets.

Traffic on 18th Street between A Street and B Street is restricted to one-way south and traffic on 19th Street between A Street and B Street is restricted to one-way north. (Res. 248, 1979)

Chapter 10.24**ARTERIAL STREET PLAN**

Sections:

10.24.010 Adopted.

10.24.010 Adopted.

The arterial street plan adopted by the city council January 3, 1966, as amended by additions adopted by the council February 3, 1967, is adopted; provided, that any amendments adopted by the council in the future shall be incorporated into the arterial street plan and become a part thereof. (Ord. 357 § 6, 1967)

Chapter 10.26**STREET CLASSIFICATION**

Sections:

- 10.26.010 Criteria.
- 10.26.020 Major arterials – Traffic service provided.
- 10.26.030 Major arterials – Grouping of traffic generators.
- 10.26.040 Major arterials – Spacing.
- 10.26.050 Major arterials – Route continuity.
- 10.26.060 Secondary arterials – Traffic service provided.
- 10.26.070 Secondary arterials – Grouping of traffic generators.
- 10.26.080 Secondary arterials – Spacing.
- 10.26.090 Secondary arterials – Route continuity.
- 10.26.100 Collector arterials – Traffic service provided.
- 10.26.110 Collector arterials – Grouping of traffic generators.
- 10.26.120 Collector arterials – Spacing.
- 10.26.130 Collector arterials – Route continuity.
- 10.26.140 Secondary arterials – Designated.
- 10.26.150 Collector arterials – Designated.

10.26.010 Criteria.

The following criteria in this chapter shall be used for purposes of classifying streets within the city. (Res. 130, 1972)

10.26.020 Major arterials – Traffic service provided.

Major arterials provide for movement across and between large subparts of an urban region and serve predominantly “through” trips with minimum direct service to abutting land uses. (Res. 130, 1972)

10.26.030 Major arterials – Grouping of traffic generators.

Major arterial service is required by medium-to-large central business districts, most municipal airports, large shopping centers, large colleges and universities, large industrial plants, major governmental centers, large hospitals, important secondary business districts, major rail and seaport terminals and similar land uses which comprise the top layer of the hierarchy of trip generators. (Res. 130, 1972)

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10.26.040 Major arterials – Spacing.

Major arterials will seldom be closer than one mile apart in even the most densely developed urban regions. In practice, it is expected that for most urban areas in Washington spacing of major arterials will be wider. Moreover, spacing will vary within any given urban area with major arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary. (Res. 130, 1972)

10.26.050 Major arterials – Route continuity.

Major arterials shall form a closed, interconnected system linking together major traffic generators in urban areas. Stub end arterials are not normally classified as major arterials. (Res. 130, 1972)

10.26.060 Secondary arterials – Traffic service provided.

Secondary arterials provide for movement within the large subparts proscribed by major arterials. Secondary arterials may also serve “through traffic” but provide very much more direct service to abutting land uses than do major arterials. (Res. 130, 1972)

10.26.070 Secondary arterials – Grouping of traffic generators.

Secondary arterial service is required by small central business districts and traffic generators as listed above for major arterials except that such generators will be smaller, plus high schools and some grade schools, strip commercial development, parks, and low-use intensity recreational areas, warehousing areas, and similar land uses which comprise the middle layer of the trip generator hierarchy. (Res. 130, 1972)

10.26.080 Secondary arterials – Spacing.

Secondary arterial streets will seldom be closer than one-half mile from another secondary, or major, arterial street. In practice, it is expected that for most urban areas in the state of Washington the spacing of arterial streets will be wider. Moreover, spacing will vary within any given urban area with secondary arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary. (Res. 130, 1972)

10.26.090 Secondary arterials – Route continuity.

Secondary arterials shall, wherever possible, be long, continuous streets with direct rather than meandering alignments. (Res. 130, 1972)

10.26.100 Collector arterials – Traffic service provided.

Collector arterials provide for movement within the smaller areas, which are often definable neighborhoods, and may be bounded by higher class arterials. Collector arterials serve very little “through” traffic, but serve a high proportion of local traffic requiring direct access to abutting land uses. (Res. 130, 1972)

10.26.110 Collector arterials – Grouping of traffic generators.

Collector arterial service is required for the majority of the nonresidential land uses which generate measurably important traffic volumes and which are not served by major or secondary arterials. (Res. 130, 1972)

10.26.120 Collector arterials – Spacing.

Collector arterials will seldom be closer than one-fourth mile from any other arterial street. In practice, it is expected that for most urban areas in the state the spacing of arterial streets will be wider. Moreover, spacing will vary within any given urban area with collector arterials being closest together in the vicinity of the central business district and becoming increasingly farther apart toward the suburban, rural boundary. (Res. 130, 1972)

10.26.130 Collector arterials – Route continuity.

Collector arterials need not be particularly long or continuous since this would tend to attract through trips in unduly high proportions. (Res. 130, 1972)

10.26.140 Secondary arterials – Designated.

Based on the above criteria and the city engineer’s recommendation the following streets shall be classified as secondary arterials:

“B” Street from 15th Street to 32nd Street;
27th Street from “B” Street to Index Street;
Index Street from 27th to the Bonneville Power Storage Facilities. (Res. 130, 1972)

10.26.150 Collector arterials – Designated.

“C” Street from 6th to the west city limits shall be classified as a collector arterial. (Res. 130, 1972)

Chapter 10.28

TRUCK ROUTES

Sections:

10.28.010 Established.

10.28.025 Fifteenth Street.

10.28.030 Vehicle width limitation.

10.28.010 Established.

There are established certain routes over and along the public streets and highways of the city which are to be known as truck routes. These routes are established by the supervisor of public works with the approval of the city council and are to be posted by appropriate signs. (Ord. 357 § 7, 1967)

10.28.025 Fifteenth Street.

A truck route shall be designated on Fifteenth Street from Highway 14 north to “E” Street; then east on “E” Street to 32nd; then south on 32nd to the Industrial Park. (Ord. 806 § 2, 1982)

10.28.030 Vehicle width limitation.

No vehicles in excess of 14 feet in width shall use the streets of Washougal except by special permit from the policing authority of the city whereby vehicles may be granted special permission to use the truck route as established by Washougal ordinance. (Ord. 470 § 1, 1972)

Chapter 10.32

PARKING

Sections:

- 10.32.010 Lots.
- 10.32.020 Parallel required – Maximum distance from curb.
- 10.32.030 Time-limits – Towaway for violation.
- 10.32.035 No parking areas – Establishment authority.
- 10.32.040 No parking area – Designated.
- 10.32.045 Tractor-trucks and cargo trailers – Parking prohibitions – Parking provided.
- 10.32.050 Provision for additional no parking areas.
- 10.32.060 Owner responsible for violation.
- 10.32.070 City Hall parking.
- 10.32.080 Limited parking.
- 10.32.090 Unlawful to park unlicensed vehicle.

10.32.010 Lots.

(1) Lots six, seven, eight, nine and 10 of Block 10, Parkersville, according to the duly recorded plat thereof, are denominated parking lot A.

Parking lot A shall be used exclusively for parking passenger cars and pickup trucks. No board or other trailers shall be parked in parking lot A.

The speed limit in parking lot A shall be 10 miles per hour.

There shall be no time limit on parking in parking lot A.

(2) Blocks 13 and 14, Parkersville, according to the duly recorded plat thereof, are denominated parking lot B.

Parking lot B is reserved for vehicle and trailer parking and is designed primarily for patrons of the launching ramp.

Parking shall be by permit only. Permits will be issued by the port of Camas-Washougal for a fee to be set by the port commission which will authorize use of the launching ramp and of parking lot B.

Vehicles authorized to park in parking lot B must display prominently a season sticker or a daily ticket on either the motor vehicle or the trailer. (Ord. 422 § 1, 1970; Ord. 357 § 7A(a), (b), 1967)

10.32.020 Parallel required – Maximum distance from curb.

It is unlawful for any person to park a motor vehicle on any of the streets or highways located within the city at a distance of more than 12 inches

from the curb or in a position so that the motor vehicle is not parallel to the curb unless parking in another manner on any street is duly authorized and posted to that effect. (Ord. 357 § 2, 1967)

10.32.030 Time-limits – Towaway for violation.

No person shall stop, stand or park any vehicle on any of the city streets for a period longer than 24 hours at any one time except that no person shall park for a period in excess of two hours at any one time at “B” Street from the west corner of 17th Street to the east corner of 22nd Street and no person shall park for a period in excess of two hours on 17th, 18th and 19th Street between “A” and “B” Streets, and no person shall park during the hours between 8:00 a.m. and 5:00 p.m. during weekdays, for a period in excess of 20 minutes at any one time on “C” Street between 16th and 17th Street on the north side of “C” Street in front of City Hall.

In the event that a vehicle is left standing on the streets for a period in excess of that prescribed herein, any police officer shall have the right and authority to impound the vehicle, have it towed to a place of safety and the owner of the vehicle shall be liable for the cost of towing and storage. (Ord. 901 § 1, 1988; Ord. 432 § 1, 1974; Ord. 418 § 1, 1970; Ord. 357 § 4, 1967)

10.32.035 No parking areas – Establishment authority.

The director of public works is granted the authority to establish no parking areas and to designate the area of no parking by painting the curb yellow. Further, if the director determines that an unsafe or dangerous condition, traffic congestion, and/or physical impediments exist in a midblock area that, in the director’s discretion, would be alleviated by posting “No Parking,” then the director should be authorized to paint not more than 50 feet of that mid-block curb. Likewise, if the above conditions exist at intersections, the director is authorized, in his/her discretion, to paint a problem area’s curb up to 75 feet from any cross-street curb. Further, the director is authorized to post the designated areas “No Parking.” (Res. 347 § 3, 1986)

10.32.040 No parking area – Designated.

In the absence of any notice to the contrary, parking will be permitted on both sides of each and every street and highway located within the corporate limits of the city, except those specifically designated as follows:

No parking will be permitted on "A" Street from 17th Street to 20th Street except 15-minute parking between 19th Street and 20th Street on "A" Street and 10-minute parking on the east side of 19th Street 75 feet north of "A" Street; on "B" Street from 14th Street to 15th Street, north side only; on "B" Street from the east line of 15th Street 150 feet east of said line; on "C" Street from the intersection of 6th Street and "C" Street 100 feet east and 100 feet west; on "C" Street from the east line of 15th Street 100 feet east of said line; on "E" Street from 6th Street to 20th Street; on "E" Street from the west city limits to 32nd Street; on the sidewalk area on the north side of "E" Street from 25th Street to 26th Street and from 17th Street to 18th Street; on "G" Street from 12th Street to the intersection of "E" Street and "G" Street, south side only; on "G" Street from east line of 17th Street to east line of 22nd Street, south side only; on "G" Street from 24th Street to 25th Street, south side only; on 4th Street from "I" Street to "J" Street; on 15th Street from the freeway north to "C" Street; on 17th Street from north line of "A" Street to 100 feet north of said line, east side only; on 19th Street from "B" Street to "C" Street, west side only; on 20th Street from "A" Street to 20 feet north of "E" Street; on 24th Street from north line of "B" Street to 200 feet north of said line, west side only; on 25th Street from "G" Street to 150 feet north of "G" Street, west side only; on the south side of "F", "G", "H" and "I" Streets commencing at 12th Street and ending with 17th Street; the north and south sides of Index Street from the first railroad crossing on Index Street east of 27th Street 1,000 feet east to a point near the railroad loading dock at the Fleetwood Factory; on the north side of Index Street from 28th Street to 32nd Street; on "A" Street from 14th Street to 15th Street, north side only; on "A" Street 100 feet west on 15th Street to east line of 14th Street, south side only. (Ord. 683 § 1, 1978; Ord. 620 § 1, 1977; Ord. 579 § 1, 1976; Ord. 532 § II, 1974; Ord. 497 § 1, 1973; Ord. 479 § 1, 1972; Ord. 461 § 1, 1971; Ord. 443 § 1, 1971; Ord. 357 § 3, 1967)

10.32.045 Tractor-trucks and cargo trailers – Parking prohibitions – Parking provided.

(1) All tractor-trucks and/or cargo trailers and similar vehicles are prohibited from parking for any period of time in the parking lot of the Park and Ride located west of Third Street between "C" Street and SR 14.

(2) There is designated within the city a long-term parking area for tractor-trucks and/or cargo trailers located in the port at Lot No. 109, C.C. Stile DLC, northwest of the cul-de-sac at the end of 28th Street. Said vehicles are hereby authorized to park at this location.

(3) Violation of this section is an infraction and may subject the violator/owner to a fine and further, to have the vehicle (tractor-trucks and/or cargo trailers) towed and impounded at the violator's expense. The Washougal city police department shall hereinafter be authorized to enforce this section as herein set forth and further, as authorized by law. (Ord. 909 §§ 1, 2, 3, 1988)

10.32.050 Provision for additional no parking areas.

The city council may by resolution designate additional no parking areas on the city streets, altering and supplementing those created in WMC 10.32.030, and direct that they be properly painted and posted as provided by custom and law designating them no parking areas. (Ord. 198 § 4, 1954)

10.32.060 Owner responsible for violation.

The owner of each vehicle parked on the city streets, by allowing another person to drive his vehicle on the city streets, assumes direct responsibility for any violation of this chapter. (Ord. 198 § 5, 1954)

10.32.070 City Hall parking.

The use of the City Hall parking lot located at 1701 "C" Street, Washougal, Washington, shall be restricted to business purposes only and shall be limited to one hour; provided, however, that this time restriction shall not apply to the staff or the city. (Ord. 689 § 1, 1978)

10.32.080 Limited parking.

Parking on "B" Street within 75 feet of its intersection with 20th Street is limited to passenger cars only. Trucks, campers, pickup campers, and similar vehicles are specifically prohibited from parking within the aforescribed area. (Ord. 738 § 1, 1980)

10.32.090 Unlawful to park unlicensed vehicle.

(1) It shall be unlawful for any person to stop, stand or park a vehicle on a public street, highway, alley, parking lot, easement, right-of-way or other public property within the city limits of Washougal unless such vehicle possesses proper and current vehicle license plates and tabs, and such plates and

tabs are properly mounted and displayed on the vehicle in accordance with law and the State of Washington Department of Licensing rules and regulations.

(2) The owner or operator of a vehicle in violation of this section shall be subject to an infraction punishable by a monetary penalty of \$50.00. Each day that the violation continues to exist shall be treated as a separate offense, and shall subject the owner or operator to an additional infraction.

(3) Forty-eight hours subsequent to the issuance of a parking infraction, for a violation of subsections (1) and (2) of this section, to the owner, driver or other person in charge of the vehicle or the conspicuous posting of the parking infraction on the vehicle, if the vehicle is again parked in violation of subsections (1) and (2) of this section, it may be impounded by the Washougal police department. The owner of the vehicle shall be responsible for all costs associated with the removal and storage as provided in RCW Title 46. (Ord. 1607 § 1 (Exh. A), 2008)

Chapter 10.34

COMMUTE TRIP REDUCTION PLAN

(Repealed by Ord. 1666)

Chapter 10.35

COMMUTE TRIP REDUCTION PLAN

Sections:

- 10.35.010 Findings.
- 10.35.020 Definitions.
- 10.35.030 Enforcement authority.
- 10.35.040 City of Washougal CTR plan.
- 10.35.050 Commute trip reduction goals.
- 10.35.060 Applicability.
- 10.35.070 Requirements for affected employers.
- 10.35.080 Record keeping.
- 10.35.090 Schedule and process for CTR program description and report.
- 10.35.100 Enforcement.
- 10.35.110 Penalties.
- 10.35.120 Exemptions and goal modifications.
- 10.35.130 Hearing examiner.
- 10.35.140 Appeal procedure.

* Prior legislation: Ord. 1090.

10.35.010 Findings.

The city council finds that:

(1) RCW 70.94.521 et seq. requires that each county containing an urban growth area, designated pursuant to RCW 36.70A.110, and each city within an urban growth area with a state highway segment exceeding the 100 person hours of delay threshold calculated by the Department of Transportation, as well as those counties and cities located in any contiguous urban growth areas, shall adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area;

(2) Counties, cities, and the regional transportation council are required to develop regionally coordinated commute trip reduction plans with an initial emphasis on requiring major employers within affected cities and counties to develop programs intended to accomplish commute trip reduction by employees;

(3) A regional CTR ordinance and CTR plans have been developed for the cities of Vancouver, Camas and Washougal, as well as Clark County, and CTR plans for WSDOT, the regional transportation council and C-TRAN;

(4) Adoption and implementation of this plan will lead to a reduction in single-occupancy vehicle use which will assist in improving air quality, relieving traffic congestion and reducing consumption of fossil fuels while enhancing the region's economic vitality by maintaining and improving

accessibility and mobility, and which will balance financial, social and environmental considerations;

(5) The city council recognizes the importance of increasing individual citizens' awareness of air quality, energy consumption, and traffic congestion and the contribution individual actions can make toward addressing these issues;

(6) Certain large employers, such as schools, are not affected by this chapter. However, recognizing the benefits that commute trip reduction planning offers to the overall community, the city council encourages these employers to voluntarily participate in this program. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Affected employee" means a full-time employee who begins his or her regular workday at a single worksite covered by the commute trip reduction plan between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months who is not an independent contractor. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

"Affected employer" means an employer that employs 100 or more full-time employees at a single worksite covered by the commute trip reduction plan who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. Construction worksites, when the expected duration of the construction is less than two years, are excluded from this definition. (Also see definition of "Employer.")

"Alternative mode" means any means of commute transportation other than in which the single-occupant vehicle is the dominant mode, including telecommuting and compressed work week schedules if they result in reducing commute trips.

"Alternative work schedules" means programs such as compressed work schedules that eliminate work trips for affected employees.

"Base year" means the 12-month period which commences when a major employer is determined by the jurisdiction to be participating within the CTR program. The city uses this 12-month period as the basis upon which it develops commute trip reduction goals.

"Base year survey" or "baseline measurement" means the survey, during the base year, of employ-

ees at a major employer worksite to determine the drive-alone rate and vehicle miles traveled per employee at the worksite. The jurisdiction uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurement must be implemented in a manner that meets the requirements specified by the city.

“Carpool” means a motor vehicle, including a motorcycle, occupied by two to six people of at least 16 years of age traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle commute trip.

“City” means the city of Washougal.

“Commute trip” means a trip made from a worker’s home to a worksite (inclusive) on weekdays.

“Commute trip reduction (CTR) plan” means the city of Washougal’s plan which is designed to achieve reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per affected employees of affected public and private sector employers within the city of Washougal.

“Commute trip vehicle miles traveled per employee” means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

“Compressed work week” means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10-hour days or 80 hours in nine days, but may also include other arrangements.

“CTR” is the abbreviation of commute trip reduction.

“CTR program” means an employer’s strategies to reduce employees’ drive-alone commutes and average VMT per employee.

“Custom bus/buspool” means a commuter bus service arranged specifically to transport employees to work.

“Director” means director of public works.

“Dominant mode” means the mode of travel used for the greatest distance of a commute trip.

“Drive alone” means a motor vehicle occupied by one employee for commute purposes, including a motorcycle.

“Drive-alone trips” means commute trips made by employees in single-occupant vehicles.

“Emergency ride home program” means a program offered to employees by either the regional CTR program administrator or the employer that provides an emergency ride home to an employee if they use an alternative mode of transportation.

“Employee transportation coordinator (ETC)” means a person who is designated as responsible for the development, implementation and monitoring of an employer’s CTR program.

“Employer” means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit or private, that employs workers.

“Exemption” means a waiver from any or all CTR program requirements granted to an employer by the city based on unique conditions that apply to the employer or employment site.

“Flex-time” is an employer policy that provides work schedules allowing individual employees flexibility in choosing the start and end times but not the number of their working hours.

“Full-time employee” means a person, other than an independent contractor, whose position is scheduled on a continuous basis for 52 weeks for an average of at least 35 hours per week.

“Good-faith effort” means that an employer has met the minimum requirements identified in RCW 70.94.531 and this chapter, and is working collaboratively with the city to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

“Implementation” means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.555 and this chapter as evidenced by appointment of an employee transportation coordinator (ETC), distribution of information to employees regarding alternatives to drive-alone commuting, and commencement of other measures according to its approved CTR program and schedule.

“Major employer” means a private or public employer, including state agencies, that employs 100 or more full-time employees at a single worksite who are scheduled to begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least 12 continuous months.

“Major employer worksite,” “affected worksite” or “worksite” means the physical location occupied by a major employer, as determined by the local jurisdiction.

“Major employment installation” means a military base or federal reservation, excluding tribal reservations, or other locations as designated by the city, at which there are 100 or more affected employees.

“Mode” means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool or vanpool), transit, bicycle, walking, compressed work week schedule and telecommuting.

“Notice” means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the Postal Service, unless the third day falls on a weekend or legal holiday, in which case the notice is deemed accepted the day after the weekend or legal holiday.

“Peak period” means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

“Peak period trip” means any commute trip that delivers the employee to begin his or her regular workday between 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

“Proportion of drive-alone trips” or “drive-alone rate” means the number of commute trips over a set period made by employees in single-occupancy vehicles divided by the number of potential trips taken by employees working during that period.

“Regional CTR program administrator” means the agency or jurisdiction responsible for administering the Clark County CTR program.

“Ride matching service” means a system which assists in matching commuters for the purpose of commuting together.

“Teleworking” or “telecommuting” means the use of telephones, computers, or other similar technology to permit an employee to work at home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

“Transit” means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, rail, shared-ride taxi, shuttle bus or vanpool.

“Transportation demand management (TDM)” means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

“Transportation management association (TMA)” means a group of employers or an association representing a group of employers in a defined geographic area. A TMA may represent

employers within the Washougal city limits, or may have a sphere of influence that extends beyond city limits.

“Vanpool” means a vehicle occupied by from five to 15 people traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle trip.

“Vehicle miles traveled (VMT) per employee” means the sum of the individual vehicle commute trip lengths in miles made by employees over a set period divided by the number of employees during that period.

“Week” means a seven-day calendar period, starting on Monday and continuing through Sunday.

“Weekday” means any day of the week except Saturday or Sunday.

“Writing,” “written,” or “in writing” means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed via mail or delivery of the original and dated document. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.030 Enforcement authority.

The director of public works or his authorized designee is directed and authorized to implement and enforce the provisions of this chapter and of the CTR plan, and shall have the authority to issue written notices and orders and to assess civil penalties against affected employers who do not comply with the provisions of this chapter. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.040 City of Washougal CTR plan.

The goals established for the jurisdiction and affected employers in the city’s commute trip reduction (CTR) plan are incorporated herein by reference. City staff is directed to make any corrections for typographical errors, include any graphical materials for information, and complete the commute trip reduction plan. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.050 Commute trip reduction goals.

(1) Setting CTR Goals. The city’s goals for reductions in the proportions of drive-alone commute trips and vehicle miles traveled per employee by affected employers in the city’s jurisdiction, major employment installations, and other areas designated by the city are hereby established by the city’s CTR plan incorporated by WMC 10.35.040. These goals establish the desired level of performance for the CTR program in its entirety in the

city. The city will set the individual worksite goals for affected employers based on how the worksite can contribute to the city's overall goal established in the CTR plan. The goals will appear as a component of the affected employer's approved implementation plan outlined in WMC 10.35.070.

(2) Commute Trip Reduction Goals for Affected Employers.

(a) The drive-alone and VMT goals for affected employers in the city are hereby established as set forth in the CTR plan incorporated by WMC 10.35.040.

(b) If the goals for an affected employer or newly affected employer are not listed in the CTR plan, they shall be established by the city at a level designed to achieve the city's overall goals for the jurisdiction and other areas as designated by the city. The city shall provide written notification of the goals for each affected employer worksite by providing the information when the city reviews the employer's proposed program and incorporating the goals into the program approval issued by the city. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.060 Applicability.

The provisions of this chapter shall apply to any affected employer within the geographic limits of the CTR plan adopted in WMC 10.35.040. This chapter only applies when the CTR plan, as approved in WMC 10.35.040, designates the employer as affected based on location within the geographic limits of the plan.

(1) Notice of Applicability.

(a) Publication of Notice. In addition to the city's established public notification for adoption of an ordinance, a notice of availability of a summary of this chapter, a notice of the requirements and criteria for affected employers to comply with this chapter, and subsequent revisions shall be published at least once in the city's official newspaper not more than 30 days after passage of the ordinance codified in this chapter or revisions.

(b) Notice to Known Affected Employers. Affected employers located in the city are to receive written notification that they are subject to this chapter. Such notice shall be addressed to the company's chief executive officer, senior official, CTR program manager, or registered agent at the worksite. Such notification shall provide 90 days for the affected employer to perform a baseline measurement consistent with the measurement requirements specified by the city.

(c) Self-Identification. Affected employers that, for whatever reason, do not receive notice

within 30 days of passage of the ordinance codified in this chapter and are either notified or identify themselves to the city within 90 days of the passage of the ordinance codified in this chapter will be granted an extension to assure up to 90 days within which to perform a baseline measurement consistent with the measurement requirements specified by the city. Upon self-identification, such affected employers will be granted 180 calendar days to develop and submit a CTR program.

(d) Failure to Identify. Affected employers that have not been identified or do not identify themselves within 90 days of the passage of the ordinance codified in this chapter and do not perform a baseline measurement consistent with the measurement requirements specified by the city within 90 days from the passage of the ordinance codified in this chapter are in violation of this chapter.

(e) Potential Affected Employer. Any existing or new employer (of 75 or more persons) that obtains a city business license subsequent to the effective date of the ordinance codified in this chapter, shall be required to complete a questionnaire that assesses whether or not an employer will be deemed affected or nonaffected in accordance with the provisions of this chapter.

(f) Baseline Measurement. If an affected employer has already performed a baseline measurement, or an alternative acceptable to the city under previous iterations of this chapter, the employer is not required to perform another baseline measurement.

(2) Newly Affected Employers.

(a) Definition of Newly Affected Employer. Employers meeting the definition of "affected employer" in this chapter must identify themselves to the city within 90 days of either moving into the boundaries outlined in the CTR plan or growing in employment at a worksite to 100 or more affected employees. Employers who do not identify themselves within 90 days are in violation of this chapter.

(b) Baseline Survey. Newly affected employers identified as such shall be given 90 days to perform a baseline measurement consistent with the measurement requirements specified by the city. Employers who do not perform a baseline measurement within 90 days of receiving written notification that they are subject to this chapter are in violation of this chapter.

(c) CTR Program Submittal. Not more than 90 days after receiving written notification of the results of the baseline measurement, the newly

affected employer shall develop and submit a CTR program to the city. The program will be developed in consultation with the city to be consistent with the goals of the CTR plan adopted in WMC 10.35.040. The program shall be implemented not more than 90 days after approval by the city. Employers who do not implement an approved CTR program according to this schedule are in violation of this chapter and subject to the penalties outlined in WMC 10.35.110.

(3) Change in Status as an Affected Employer. Any changes in an employer's status will change the employer's CTR program requirements.

(a) Nonaffected Employer. If an employer initially designated as an affected employer no longer employs 100 or more affected employees and expects not to employ 100 or more affected employees for the next 12 months, that employer is no longer an affected employer for the purposes of this chapter. It is the responsibility of the employer to notify the city that it is no longer an affected employer. The employer bears the burden of proof to establish this.

(b) Change in status within 12-month period. If the same employer returns to the level of 100 or more affected employees within the same 12 months, that employer will be considered an affected employer for the entire 12 months and will be subject to the same program requirements as other affected employers.

(c) Change in status in a greater than 12-month period. If the same employer returns to the level of 100 or more affected employees 12 or more months after its change in status to an unaffected employer, that employer shall be treated as a newly affected employer and will be subject to the same program requirements as other newly affected employers. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.070 Requirements for affected employers.

An affected employer is required to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter, to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and drive-alone commute trips.

(1) CTR Program – Mandatory Elements. Each employer's CTR program shall include the following mandatory elements:

(a) Employee Transportation Coordinator (ETC). The affected employer shall designate an employee transportation coordinator (ETC) to administer the CTR program. The ETC and/or des-

ignee's name, location and telephone number must be displayed prominently at each affected worksite. The ETC shall oversee all elements of the employer's CTR program and act as liaison between the employer and the city. The objective is to have an effective transportation coordinator present at each worksite; an affected employer with multiple worksites may have one designated ETC for all sites. ETCs will be responsible for attending all CTR-sponsored trainings and meetings.

(b) Information Distribution. Information about alternatives to drive-alone commuting as well as a summary of the employer's CTR program shall be provided to employees at least twice a year and to new employees at the time of hire. Each CTR program description and subsequent annual reports must describe the information to be distributed and the method(s) of distribution.

(c) Emergency Ride Home (ERH) Program. The affected employer shall offer an emergency ride home program to employees. If an ERH program is available through the regional CTR program administrator, then the employer may choose to use this for its program. The ERH program offered by the regional CTR program administrator will allow employees to use three emergency ride home vouchers in one calendar year period or one year within their start-of-work date if the employee has worked for the employer for less than one year. An employer may choose to allow more emergency rides home if the employer chooses to pay for them.

(2) Additional Program Elements. In addition to the specific CTR program elements previously described in this section, to meet the CTR goals as identified in the city's CTR plan, employers will be required to have at least two additional program elements as part of their CTR program. Elements may include, but are not limited to, the following:

(a) Provision of preferential parking for carpools and vanpools;

(b) Reduced parking charges for carpool and vanpool vehicles;

(c) Provision of commuter ride-matching services to facilitate employee ride-sharing for commute trips;

(d) Provision of subsidies for rail, transit, or vanpool fares and/or transit passes;

(e) Provision of vans or buses for employee ridesharing;

(f) Provision of subsidies for carpools, walking, bicycling, teleworking, or compressed schedules;

(g) Provision of incentives for employees that do not drive alone to work;

(h) Permitting the use of the employers' vehicles for carpooling or vanpooling;

(i) Permitting flexible work schedules to facilitate employees' use of transit, carpools or vanpools;

(j) Construction of special bus stops for transit users;

(k) Provision of bicycle parking facilities such as bicycle lockers or secure areas inside a building or a covered outside area that requires some type of key access or ability to lock bicycles;

(l) Provision of changing areas and showers for employees who bicycle or walk to work;

(m) Provision of parking incentives program such as a rebate for employees who do not use the parking facilities;

(n) Establishment of a program to permit employees to work part- or full-time at home or at an alternative worksite closer to their homes which reduces commute trips;

(o) Establishment of a program of alternative work schedules such as a compressed work week, which reduces commute trips;

(p) Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care facilities or food establishments;

(q) Charging employees for parking and/or the elimination of free parking; and

(r) Other measures that the employer believes will reduce the number and length of commute trips made to the site as approved by the regional CTR program administrator.

(3) **CTR Program Report and Description.** Affected employers shall review their program and file a regular progress report with the city in accordance with the format provided by the city every two years. If necessary, the regional CTR program administrator may require a regular progress report be submitted every year. The CTR program report and description outlines the strategies to be undertaken by an employer to achieve the commute trip reduction goals for the reporting period. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. Employers are further encouraged to cooperate with each other to implement program elements. At a minimum, the employer's CTR program report and description must include:

(a) A general description of the employment site location, transportation characteristics, employee parking availability, on-site amenities, and surrounding services;

(b) The number of employees affected by the CTR program and the total number of employees at the site;

(c) Documentation on compliance with the mandatory CTR program elements as described in subsection (1) of this section;

(d) Description of any additional elements included in the employer's CTR program as described in subsection (2) of this section; and

(e) A statement of organizational commitment to provide appropriate resources to the program to meet the employer's established goals.

(4) **Biennial Measure of Employee Commute Behavior.** In addition to the baseline measurement, employers shall conduct a program evaluation as a means of determining worksite progress toward meeting CTR goals. As part of the program evaluation, the employer shall distribute and collect commute trip reduction program employee questionnaires ("surveys") at least once every two years and strive to achieve at least a 70 percent response rate from employees at the worksite. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.080 Record keeping.

Affected employers shall maintain a copy of their approved CTR program description and report, their CTR program employee questionnaire results, and all supporting documentation for the descriptions and assertions made in any CTR report to the city for a minimum of 48 months. The city and the employer shall agree on the record keeping requirements as part of the accepted CTR program. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.090 Schedule and process for CTR program description and report.

(1) **Document Review.** The city shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. If the employer receives no written notification of extension of the review period of its CTR program or comment on the CTR program or annual report within 90 days of submission, the employer's program or annual report is deemed accepted. The city may extend the review period up to 90 days.

The implementation date for the employer's CTR program will be extended an equivalent number of days.

(2) Schedule. Upon review of an employer's initial CTR program, the city shall establish the employer's regular reporting date. This report will be provided in a form provided by the city consistent with WMC 10.35.070(3).

(3) Modification of CTR Program Elements. Any affected employer may submit a request to the city for modification of CTR requirements. Such request may be granted if one of the following conditions exists:

(a) Impossibility. The employer can demonstrate it would be unable to comply with the CTR program elements for reasons beyond the control of the affected employer; or

(b) Undue Hardship. The employer can demonstrate that compliance with the program elements would constitute an undue hardship.

The city may ask the employer to substitute a program element of similar trip reduction potential rather than grant the employer's request.

(4) Extensions. An employer may request additional time to submit a CTR program description and report, or to implement or modify a program. Such requests shall be via written notice at least 30 days before the due date for which the extension is being requested. Extensions not to exceed 90 days shall be considered for reasonable causes. The city shall grant or deny the employer's extension request by written notice within 10 working days of its receipt of the extension request. If there is no response issued to the employer, an extension is automatically granted for 30 days. Extensions shall not exempt an employer from any responsibility in meeting program goals. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer's regular reporting date shall not be adjusted permanently as a result of these extensions. An employer's annual reporting date may be extended at the discretion of the city.

(5) Implementation of Employer's CTR Program. Unless extensions are granted, the employer shall implement its approved CTR program, including approved program modifications, not more than 90 days after receiving written notice from the city that the program has been approved or with the expiration of the program review period without receiving notice from the city. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.100 Enforcement.

(1) Compliance. For purposes of this section, "compliance" shall mean:

(a) Fully implementing in good faith all mandatory program elements as well as provisions in the approved CTR program description and report;

(b) Providing a complete CTR program description and report on the regular reporting date; and

(c) Distributing and collecting the CTR program employee questionnaire ("survey") during the scheduled survey time period.

(2) Program Modification Criteria. The following criteria for achieving goals for VMT per employee and proportion of drive-alone trips shall be applied in determining requirements for employer CTR program modifications:

(a) If an employer meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to modify the CTR program.

(b) If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, but has not met the applicable drive-alone or VMT goal, no additional modifications are required.

(c) If an employer fails to make a good faith effort as defined in RCW 70.94.534(2) and this chapter, and fails to meet the applicable drive-alone or VMT reduction goal:

(i) The city shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program within 30 days to come into compliance with the measure defined by RCW 70.94.534(2), including specific recommended program modifications.

(A) The schedule for this modification plan shall be as follows. In response to the recommended modifications, the employer shall submit a revised CTR program and description, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program.

(B) The city shall review the revisions and notify the employer of acceptance or rejection of the revised program.

(C) If a revised program is not acceptable, the city will send written notice to that effect to the employer within 30 days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program.

(D) A final decision on the required program will be issued in writing by the city within 10 working days of the conference.

(3) Violations. The following shall each constitute a violation of this chapter if the established deadlines are not met:

(a) Failure to develop and/or submit on time a complete CTR program.

(b) Failure to implement all elements of an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and drive-alone goals as specified in this chapter.

(c) Failure to revise a CTR program as defined in RCW 70.94.534(4) and this chapter.

(d) Failure to self-identify as an affected employer.

(e) Failure to submit an annual report by the applicable deadline.

(f) Submission of false or fraudulent data in response to survey requirements.

(g) Failure to make a good faith effort, as defined in RCW 70.94.534.

(h) Failure to perform a baseline measurement, including:

(i) Employers notified or that have identified themselves to the city within 90 days of the ordinance codified in this chapter being adopted and that do not perform a baseline measurement consistent with the requirements specified by the city within 90 days from the notification or self-identification;

(ii) Employers not identified or self-identified within 90 days of the ordinance codified in this chapter being adopted and that do not perform a baseline measurement consistent with the requirements specified by the city within 90 days from the adoption of the ordinance codified in this chapter. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.110 Penalties.

(1) Generally. Each day of failure to implement the program shall constitute a separate violation. No affected employer with an approved CTR program which has made a good faith effort may be held liable for failure to reach the applicable drive-alone or VMT goal.

(2) Notice of Civil Violation. Whenever there are reasonable grounds to believe that a violation of this chapter has occurred or is occurring, the city is authorized to issue a notice of civil violation which shall contain the following:

(a) Name and address of the person or persons to whom the notice of violation is directed;

(b) A concise description of the nature of the violation;

(c) A statement assessing a civil penalty in the amount of \$10.00 per violation per day. The penalty for subsequent violations shall be \$10.00 per day for each violation;

(d) Penalties will begin to accrue 10 weekdays following the official date of notice from the city and shall be paid to the city within 30 days of the date of issuance; and

(e) Notice of violation shall be served on the person or persons in violation of this chapter either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to the person at his or her last known address. Service by mail shall be deemed completed upon the third day following the day the notice or order is deposited in the mail. Proof of personal service of the notice or order shall be made at the time of service by written declaration under penalty of perjury executed by the person effecting service, declaring the date, time and manner in which service was made.

(3) Civil Penalties. An employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. An employer of unionized or otherwise represented employees shall be presumed to act in good faith compliance if it:

(a) Proposes to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and

(b) Advises the union of the existence of the statute and the mandates of the CTR program approved by the city and advises the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531). (Ord. 1666 § 1 (Exh. A), 2010)

10.35.120 Exemptions and goal modifications.

(1) Grounds for Exemption. An affected employer may request the city to grant an exemption from all CTR program requirements or penalties for a particular worksite. The affected employer shall demonstrate that it would experience undue hardship in complying with the requirements of this chapter as a result of the characteristics of its business, its work force, or its location(s). An exemption may be granted if, and only if, the employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures that could

reduce the proportion of drive-alone trips and VMT per employee.

(a) **Timing.** Exemptions may be granted by the city at any time based on written notice provided by the affected employer. The notice should clearly explain the conditions for which the affected employer is seeking an exemption from the requirements of the CTR program. The city shall grant or deny the request within 30 days of receipt of the request.

(b) **Annual Review.** The city shall review annually all employers receiving exemptions and shall determine whether the exemption will be in effect during the following program year.

(c) **Other Exemptions.**

(i) Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a worksite's CTR program.

(ii) Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts.

(iii) The city will use the criteria identified in the CTR board administrative guidelines to assess the validity of employee exemption requests.

(iv) The city shall review annually all employee exemption requests and shall determine whether an exemption will be in effect during the following program year.

(2) **Modification of CTR Program Goals.** An affected employer may request that the city modify its program goals. Such requests shall be filed in writing at least 60 days prior to the date the worksite is required to submit its program description and annual report. The goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program. The city will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR board guidelines. An employer may not request a modification of the applicable goals until one year after the city approval of its initial program description or annual report. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.130 Hearing examiner.

(1) One or more hearing examiners shall be appointed by the city to hear appeals relating to the interpretation and/or enforcement of this chapter. Contracts may be entered into by the person or per-

sons acting as hearing examiner, to be compensated as shall be provided therein and paid out of moneys made available and budgeted therefor.

(2) The hearing examiner shall hear all appeals from any affected employer from the following decisions or actions:

(a) Notice of civil violation; and

(b) Administrative decisions regarding exemptions, modification of goals and CTR program elements.

(3) **Conduct of Appeal Hearing.** The hearing officer shall hear evidence presented by the city. The hearing examiner shall likewise hear evidence presented by the person appealing the notice of violation or administrative decision. In the case of an appeal of a notice of civil violation, the burden of proof at the hearing shall rest with the city to show by a preponderance of the evidence that there is a violation as claimed. In the case of an appeal of an administrative interpretation, the hearing officer shall give substantial weight to the director's interpretation and shall substitute his judgment only upon a showing by the appellant that the director's interpretation is arbitrary and capricious. Formal rules of evidence need not be followed, but witnesses shall be sworn by the hearing officer and a written order issued. (Ord. 1666 § 1 (Exh. A), 2010)

10.35.140 Appeal procedure.

(1) **Appeal Requirements.** All appeals to the hearing officer as provided for in this chapter shall be filed in writing with the director or other such agency as the city may designate. All appeals must be filed within 10 workdays after the date of any notice or administrative decision or action and such notice, administrative decision or action must so state on its face. The notice or order shall further bear the notation:

Failure to respond to this notice of violation by timely payment of civil violation or by compliance with any order, or by timely appeal of the notice, is a misdemeanor punishable by a fine of not to exceed \$1,000 and/or jail term not to exceed one year.

(2) **Required Information.** All appeals to the hearing officer shall contain the following:

(a) The name(s) of all parties participating in the appeal.

(b) A brief statement setting forth the action protested and the reasons why it is claimed such protested action should be reversed, modified or otherwise set aside.

(c) The signatures of all parties named and telephone numbers and mailing addresses.

(d) Verification (by declaration of the penalty of perjury) of at least one of the appellants of the truth of the matter stated in the appeal.

(e) Upon receiving the appeal, the director shall transmit the same to the hearing officer as provided herein.

(f) The failure of any person to file a timely appeal, or failure of any person who has filed an appeal to attend a scheduled hearing, shall constitute a waiver of his or her right to an appeal hearing.

(g) Filing of an appeal shall stay the enforcement of any notice of civil violation or other action during the pendency of such appeal except as otherwise provided.

(h) A copy of the final order of the hearing officer shall be mailed to the appealing party within three weekdays following the entry of a written order under this section. Unless otherwise stated in the order, this order shall be final and conclusive 10 days from the date of mailing thereof, unless any party of record makes application to a court of competent jurisdiction for judicial review and stay of enforcement. (Ord. 1666 § 1 (Exh. A), 2010)

Chapter 10.36

HATHAWAY PARK REGULATIONS

Sections:

- 10.36.010 Parking restrictions.
- 10.36.020 Speed limit.
- 10.36.030 Motor bike, motorized scooter restrictions.
- 10.36.040 Stop sign placement.
- 10.36.050 Posting.

10.36.010 Parking restrictions.

There shall be no parking in Hathaway Park as follows:

- (1) From the north entrance to the beach and to the playing field gate and also in front of this gate;
- (2) On either side of street leading into the park from "H" Street north 400 feet to lower park;
- (3) On the west side of 25th Street between "G" and "H" Streets. (Ord. 456 § 2, 1971)

10.36.020 Speed limit.

The speed limit in Hathaway Park shall not exceed 10 miles per hour. (Ord. 456 § 3, 1971)

10.36.030 Motor bike, motorized scooter restrictions.

There shall be no motor bikes or motorized scooters in this park except on paved or graveled roads. (Ord. 456 § 4, 1971)

10.36.040 Stop sign placement.

A stop sign shall be placed on the north side of 24th Street leading onto "G" Street and a four-way stop sign shall be placed at the intersection of 17th Street and "A" Street for a period of six months from the date hereof and at the expiration of said six-month period, the stop signs on "A" Street at 17th Street shall be removed to allow through traffic along "A" Street. (Ord. 532 § III, 1974; Ord. 456 § 5, 1971)

10.36.050 Posting.

The director of public works shall post the traffic regulations pursuant to this chapter. (Ord. 456 § 6, 1971)

Chapter 10.38**BICYCLES**

Sections:

- 10.38.010 Lights, reflectors and stand.
- 10.38.020 Extra riders prohibited.
- 10.38.030 Using handlebar.
- 10.38.040 Keeping to right.
- 10.38.050 Application of traffic laws.
- 10.38.060 Races.

10.38.010 Lights, reflectors and stand.

No person shall ride or operate any bicycle upon any street, alley or public place within the city limits during the period from a half hour after sunset to a half hour before sunrise, or when a fog or other atmospheric conditions render the operation of the bicycle dangerous to traffic or to the use of the streets, or at any other time when there is not sufficient light to render a person clearly discernible from a distance of 200 feet, without having a lighted lamp affixed to the front of the bicycle, visible under normal atmospheric conditions from a distance of at least 300 feet in front of the bicycle and also a reflex mirror or lighted lamp on the rear of the bicycle exhibiting a red light visible under like conditions from a distance of at least 300 feet to the rear of such bicycle. Each bicycle shall be equipped with a stand that will hold the same on its wheels, and whenever a bicycle is parked in a street or public place it shall not be left lying on its side but shall only be left standing on such stand. (Ord. 465 § 2, 1971)

10.38.020 Extra riders prohibited.

No person shall operate or ride on any bicycle upon any street, alley or public place in the city with two or more persons upon the same bicycle; provided, however, that this restriction shall not apply to tandem bicycles or other bicycles originally designed for two or more riders. (Ord. 465 § 3, 1971)

10.38.030 Using handlebar.

Every person riding or operating a bicycle on any street, alley or public place shall hold the handlebar with at least one hand and shall not hold on to any other vehicle. (Ord. 465 § 4, 1971)

10.38.040 Keeping to right.

Every person riding or operating a bicycle on any street, alley or public place in the city, shall keep the bicycle on the extreme right of the traffic

lane, and shall not travel abreast another person riding or operating a bicycle. (Ord. 465 § 5, 1971)

10.38.050 Application of traffic laws.

Every person riding or operating a bicycle on any street, alley or public place in the city shall be subject to all provisions of state and city ordinances, applicable to the drivers of vehicles except the provisions thereof that by their nature can have no application. (Ord. 465 § 6, 1971)

10.38.060 Races.

It is unlawful for any person or persons to run or engage or cause to run or be engaged in any bicycle race on any street, alley or public place within the city limits, except under permit from and under the supervision of the chief of police. (Ord. 465 § 7, 1971)

Chapter 10.42**LOAD LIMITS**

Sections:

10.42.010 27th Street.

10.42.010 27th Street.

The city council does establish a load limit of 10,000 pounds, to be set on 27th Street from “B” Street, south to, but not including, the south driveway of Exterior Wood Products. (Ord. 806 § 1, 1983)

Chapter 10.46**MOTORIZED FOOT SCOOTERS**

Sections:

10.46.010 Motorized foot scooters – Defined.

10.46.020 Motorized foot scooter – General requirements and operation.

10.46.030 Helmet required – Defined.

10.46.040 Traffic laws apply to persons operating motorized foot scooters.

10.46.050 Penalty.

10.46.060 Alternative penalty for minor children.

10.46.010 Motorized foot scooters – Defined.

“Motorized foot scooter” means a device with no more than two 10-inch or smaller diameter wheels that has handle bars, 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. A motor-driven cycle, a moped, an electric-assisted bicycle, or motorcycle is not a motorized foot scooter. (Statutory reference: RCW 46.04.336). (Ord. 1489 § 1, 2004)

10.46.020 Motorized foot scooter – General requirements and operation.

(1) No person may operate a motorized foot scooter on a city street unless such person is 16 years of age or older.

(2) It is unlawful for any person to use or operate a motorized foot scooter upon any sidewalk, park or public trail within the city of Washougal.

(3) Every motorized foot scooter, when it is in use during the hours of darkness as defined in RCW 46.37.020, shall be 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 lower beams of headlights 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.

(4) Operation of a motorized foot scooter without a muffling device in good working order and in constant operation to prevent excessive or unusual noise as prescribed in WMC 9.73.020 or operation with a modified muffling device is unlawful.

(5) It is unlawful to operate a motorized foot scooter on a city street with a speed limit in excess of 25 miles per hour unless the motorized foot scooter is operated within a designated bicycle lane.

(6) It shall be unlawful to operate a motorized foot scooter in the city of Washougal accompanied by any passenger or rider. (Ord. 1489 § 1, 2004)

10.46.030 Helmet required – Defined.

(1) Any person operating a motorized foot scooter on any public area in the city of Washougal shall wear an approved helmet designed for safety and shall have either the neck or chin strap of the helmet fastened securely while the motorized scooter is in motion.

(2) “Helmet” means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with a label required by the Federal Consumer Products Safety Commission as adopted by 16 CFR 1203. (Ord. 1489 § 1, 2004)

10.46.040 Traffic laws apply to persons operating motorized foot scooters.

Every person riding a motorized foot scooter upon a city street shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle pursuant to Chapter 46.61 RCW, except special regulations in RCW 46.61.750 through 46.61.780 shall apply to persons operating a motorized foot scooter and except as to those provisions of Chapter 46.61 RCW which by their nature can have no application. (Ord. 1489 § 1, 2004)

10.46.050 Penalty.

Violation of any provision of this chapter is deemed a traffic infraction for which a notice of infraction may be issued. Any person found to have committed an infraction under this chapter shall be assessed a monetary penalty not to exceed \$250.00. (Ord. 1489 § 1, 2004)

10.46.060 Alternative penalty for minor children.

In lieu of the penalty described above, any Washougal police officer may, in their discretion, utilize the following penalty provision for violations by minor children. For purposes of this section, the city council of the city of Washougal hereby finds that there is a compelling governmental interest in opposing the following discretionary

penalty section for minor children, in order to encourage parental intervention and responsibility for the violations of the minor children. The city finds that impoundment is more likely to prevent repeated offenses by minors in the imposition of monetary penalties.

(1) First Offense. On the child’s first offense in a 365-day period, the city shall issue a written warning and notification of the child’s parent or guardian of the violation.

(2) Second Offense. On the child’s second offense in a 365-day period, the city shall issue a written notice of violation and the investigating officer may take custody of the motorized foot scooter and hold for safe-keeping until the child’s parent or guardian claims the motorized foot scooter.

(3) Third and Subsequent Offenses. On the child’s third offense in a 365-day period, the city shall include a civil fine, not to exceed \$250.00. The arresting officer may take custody of the motorized foot scooter and may hold for safe-keeping for a period of 30 days.

As authorized by WAC 308-330-565 and Chapter 63.32 RCW, impounded motorized foot scooters may be forfeited to the Washougal police department if unclaimed within 60 days of the impound. (Ord. 1489 § 1, 2004)