

## Chapter 10.14

### STOPPING, STANDING OR PARKING

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#### **10.14.010 Statutory provisions adopted.**

The city, for purposes of control of stopping, standing or parking prohibited in specified places and involving additional parking regulations adopts by reference RCW 46.61.570 through RCW 46.61.590, as amended. (Ord. § 2, 2003; Ord. 581 §2, 2010).

#### **10.14.020 Definitions.**

For the purpose of this chapter, the following words and phrases shall have the following designated meaning unless a different meaning is expressly provided:

- A. “Boat” means any type of watercraft or vessel used primarily for recreation or transportation on the water. The term boat shall include personal watercraft that uses a motor powered jet pump as its primary source of motor power designed to be operated by a person sitting, standing or kneeling on the watercraft.
- B. “Camper (Pickup)” means a structure designed to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for recreational use, camping or vacation use.
- C. “Commercial area” means any area of the City of Bingen that is zoned as commercial.
- D. “Easement”: For the purposes of this chapter only, the term easement shall mean any right of use the City has acquired in any manner over the property of another for any purpose and which right is not included or otherwise defined in this chapter.
- E. “Junk vehicle” means a vehicle that meets at least three of the following requirements:

1. Is three years old or older;
  2. Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield or missing wheels, tires, motor or transmission;
  3. Is apparently inoperable;
  4. Has a fair market value equal only to the approximate value as scrap.
- F. “Large vehicle” shall mean any vehicle that exceeds 30,000 pounds gross vehicle weight capacity.
- G. “Motor home” shall mean a motor vehicle or other similar device primarily designed or used as a living quarter, including but not limited to for recreation, camping or travel use.
- H. “Neglected vehicle” means a vehicle that is not legally licensed and tagged or is apparently inoperable that has been left on the public right-of way or on any public parking lot controlled by the city for a period of seventy-two (72) hours or more.
- I. “Personal Property” for the purposes of this chapter shall mean movable and tangible property, but shall not include real property or incorporeal personal property.
- J. “Public Right-of-Way” means all public streets, alleys, and property granted or reserved for, or dedicated to, public use for streets, alleys, sidewalks, trails, shoulders, drainage facilities and bikeways, whether improved or unimproved, including air rights or subsurface rights where provided. With some exceptions, most rights-of-way within the City are 60 feet in width. A right of way should not be determined from the centerline of existing streets, and fences or utility poles may only approximate the limits of a right-of-way.
- K. “Recreational vehicle” means any camp trailer, travel trailer or “fifth wheels” designed to provide living quarters, included but not limited to, for recreational camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities of recreational vehicles are: travel trailer, camping trailer, truck camper and motor home.
- L. “Residential area” means any area of the City of Bingen that is zoned as residential.
- M. “Roadway” shall mean any traveled portion of a public right-of-way.
- N. “Snowmobile” shall mean a vehicle with a continuous tread and runner type steering device used primarily for transportation on the snow.

- O. “Stored” or “Storage” means parking or placing boats, campers (pickup), large vehicles, motor homes, recreational vehicles, snowmobiles, utility trailers, auto parts, debris or personal property within a City right-of-way (and contrary to the provisions of this chapter.)
- P. “Utility trailer” means a structure or device with or without its own mode of power, designed and/or used to transport goods, equipment, boats, snowmobiles, vehicles or other devices or materials. Any vehicle without motor power, designed for carrying persons or property on its own structure, and to be drawn by a vehicle with motor power. The term “trailer” includes trailer coach, semi-trailer or utility trailer, but does not include recreational vehicles as defined herein.
- Q. “Truck” means any motor vehicle designed primarily for the transportation of property.
- R. “Vehicle” for the purposes of this chapter means a boat, camper (pickup), large vehicle, recreational vehicle, snowmobile, utility trailer, neglected vehicle or junk vehicle. (Ord. § 2, 2003; Ord. 581 §2, 2010).

**10.14.030 Commercial area parking.**

- A. No more than fifteen (15) minute-parking shall be allowed in the following places:
  - 1. Three parking spaces on north side of Steuben from Alder Street west;
  - 2. Two parking spaces on east side of Ash Street south of Humboldt Street;
  - 3. One parking space on north side of Steuben, east of Ash;
  - 4. Three parking spaces on the south side of Humboldt from Oak Street east, except as designated in BMC 10.14.030 D.1.
- B. No more than two-hour parking shall be allowed in the following places from 9:00 a.m. to 7:00 p.m., Monday through Friday, except as designated above or below:
  - 1. On both sides of Steuben from Willow Street to Cherry Street;
  - 2. On both sides of Maple Street from Steuben Street to Humboldt Street;
  - 3. On east side of Oak Street from Humboldt Street north where angled parking is allowed;
  - 4. On both sides of Ash from Steuben Street to Humboldt Street;
  - 5. On both sides of Alder from Steuben Street to Humboldt Street;

6. On east side of Walnut Street from Steuben Street to Humboldt Street;
7. On the west side of Ash from Steuben Street to Depot Street;
8. On both sides of Oak Street from Steuben Street to Humboldt Street;
9. On the south side of Humboldt Street from Ash Street to Oak Street;
10. Four parking spaces on the north side of Humboldt Street from Maple Street east.

C. There shall be no parking allowed in the following places:

1. Either side of Maple Street south of Steuben;
2. On the west side of Walnut Street north of Steuben and south of Jefferson;
3. On the south side of Steuben between Maple Street and Cherry Street.

D. Loading zones shall be providing in the following place:

1. Three parking spaces on the south side of Humboldt east of Oak from 10 p.m. to 6 a.m.
2. One parking space on the west side of Alder north of Steuben.

E. Motorcycle parking only shall be provided in the following place:

1. One parking space on the north side of Steuben west of the intersection with Oak Street. (Ord. § 2, 2003; Ord. 564 § 2, 2009; Ord. 578 § 2, 2010; Ord. 581 §2, 2010).

**10.14.040 City park.**

Only angle parking shall be allowed on the north side of Humboldt Street from Willow Street to Walnut Street. (Ord. § 2, 2003; Ord. 581 §2, 2010).

**10.14.050 Angle parking.**

- A. Only angle parking shall be allowed on the south side of Steuben from Walnut Street to Ash Street.
- B. Only angle parking shall be allowed on both sides of Oak Street from Steuben to Franklin Street.
- C. Only angle parking shall be allowed on the north side of Humboldt Street from the corner of Maple 100 feet east. (Ord. § 2, 2003; Ord. 581 §2, 2010).

**10.14.060 Residential Parking.**

- A. Only parallel parking shall be allowed on both sides of streets designated as residential, except as provided for above.
- B. Trucks and/or trailers or any combination thereof exceeding twenty feet in length or thirty thousand (30,000) pounds gross vehicle weight capacity shall not be parked within any residential zone.
- C. No boat, camper (pickup), large vehicle, motor home, recreational vehicle, snowmobile, utility trailer or neglected vehicle may be parked in a residential area within a City right of way except for active loading or unloading.
- D. No boat, camper (pickup), large vehicle, motor home, recreational vehicle, snowmobile, utility trailer or neglected vehicle may be parked on a roadway or alley in a residential area within ten (10) feet of any driveway or within fifteen (15) feet of an intersection.
- E. The provisions of this section, 10.14.060, shall not apply to any vehicle which is parking or left standing expressly for the purpose of loading or unloading and providing the vision of traffic-is not obstructed. For the purposes of this section, 10.14.060, a reasonable amount of time on any day or successive days shall be allowed for loading and unloading, the amount of which time is to be determined according to the nature and extent of the loading and unloading operation. (Ord. § 2, 2003; Ord. 581 §2, 2010).

**10.14.070 Storage.**

- A. No boat, camper (off of a pickup), snowmobile, utility trailer, neglected vehicle, or junk vehicle, debris or personal property may be stored on public property. Public property for the purposes of this section includes but is not limited to public parks, parking lots, or any public right-of-way.
- B. No recreational vehicle, camper, or motor home will be allowed to park or be stored permanently in a public right-of-way in a residential area of the City of Bingen. For the purpose of this section, “permanent” shall be defined as no more than fourteen (14) days within a calendar year.
- C. Garbage containers and yard debris may be placed within the public right-of-way within twenty-four (24) hours of scheduled pickup. (Ord. § 2, 2003; Ord. 581 §2, 2010).

**10.14.080 Permit.**

- A. To park a camper, motor home, or recreational vehicle for longer than fourteen (14) days within a calendar year a permit is required.
- B. The registered owner of a camper, motor home, or recreational vehicle may obtain a permit from the City of Bingen at no cost.

- C. Additional parking shall be limited to total of fourteen (14) additional days within the calendar year.
- D. Each permit shall identify the vehicle for which it is issued and the time for which the permit is valid. Such permit shall be conspicuously displayed in the lower right hand corner of the windshield or in a window that is easily visible from outside the camper, motor home or recreational vehicle. (Ord. § 2, 2003; Ord. 581 §2, 2010).

**10.14.090 Penalties – enforcement of Sections 10.14.070 and 10.14.080.**

- A. The registered owner or owners of a vehicle, or the owner or owners of personal property, jointly and severally, shall be responsible for unlawful parking or storage. It shall not be a defense that the vehicle or personal property was parked or stored contrary to this chapter by one other than a registered owner, unless the registered owner presents proof that the vehicle or personal property was stolen at the time of the illegal parking or storing.
- B. Any violation of Sections 10.14.070 and 10.14.080 may be an infraction. A notice of infraction may be issued by the Bingen - White Salmon Police Department. A notice of infraction represents a determination that an infraction has been committed and that determination is final unless contested as provided in chapter RCW 46.63. Infraction procedures shall be determined by RCW Chapter 46.63, as now or hereafter amended, and by the Infraction Rules for Courts of Limited Jurisdiction as set forth in the most recent Washington Court rules, except to the extent those rules are inconsistent with this chapter. Venue is in the West District Court of Klickitat County.
- C. The base penalty schedule for violations of Sections 10.14.070 and 10.14.080 is set forth below:
  - 1. First violation within a sixty (60) day period – a warning will be issued.
  - 2. Second violation within a sixty (60) day period – infraction with a \$55.00 fine;
  - 3. Third violation within a sixty (60) day period – infraction with a \$150.00 fine and subject to BMC10.14.090 (E) below.
- D. Each day of a violation of this chapter may, at the sole discretion of the City, constitute a separate violation.
- E. Upon the third or subsequent violation within a 60-day period for those violations set forth in this chapter, the vehicle or personal property may, at the City's sole discretion, be determined to be a parking nuisance or storage nuisance on the grounds that it has inhibited the orderly flow of traffic or created an obstruction to sanctioned parking or other use of public property or City right of way or has created a disincentive to others to

obey the provisions of the City of Bingen parking and storing ordinances, and said vehicle or personal property may be impounded pursuant to the provisions of this chapter.

- F. In addition to the penalties above, if there is no response to a notice of infraction within fifteen calendar days after the infraction has been issued, the City may mail a delinquency notice, a copy of the notice of infraction, and a notice to the registered owner of the subject vehicle or personal property that the vehicle or personal property may be declared a nuisance and impounded (if that owner may be readily ascertainable); if the owner fails to respond to that mailing and to pay the penalty and remove the vehicle or personal property within fourteen days of that mailing, the vehicle or personal property may, at the City's sole discretion, be determined to be a parking or storage nuisance on the grounds that it has inhibited the orderly flow of traffic or created an obstruction to sanctioned parking or other use of public property or City right of way or has created a disincentive to others to obey the provisions of the City of Bingen parking and storing ordinances, and said vehicle or personal property may be impounded pursuant to the provisions of this chapter.
- G. Items that are located within the public right-of-way that are determined to be hazardous are subject to immediate removal at the City's discretion. (Ord. § 2, 2003; Ord. 547 §1, 2008; Ord. 581 §2, 2010).

**10.14.100 Impoundment.**

- A. Notice of impound. When any vehicle or personal property is determined to be subject to impoundment pursuant to BMC Chapter 10.14, the City shall follow the following procedure:
  - 1. A brightly colored notice of intent to impound shall be placed on the vehicle or personal property and on the front door of the two nearest residences.
  - 2. A certified letter shall be sent to the last registered owner (if that information is readily ascertainable).
- B. Impound. Any vehicle or personal property not removed within forty-eight (48) hours after notice of impound as described in BMC 10.14.100 (A), is a nuisance and may be impounded at the direction of the City of Bingen.
- C. Notice. Upon impoundment of a vehicle or personal property declared a nuisance by the City, the City shall, within 24 hours, excepting weekends and legal holidays, mail to the registered owner (if that information is readily ascertainable) a notification that the vehicle or personal property has been impounded, how to contact the holder of the vehicle or personal property and a copy of this chapter of the Bingen Municipal Code.
- D. Redemption. Vehicles or personal property impounded pursuant to this Chapter may be redeemed by the legal or registered owner upon payment of all towing, removal, and storage fees, in a commercially reasonable manner as provided by RCW 46.55.120, to the

towing agency or by payment of all relevant fees to the bailee or possessor of the subject personal property.

- E. Failure to redeem. Any vehicle or personal property impounded pursuant to this Chapter not redeemed within fifteen (15) days of impoundment shall be considered abandoned. Such abandoned vehicle or personal property may be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.110 and RCW 46.55.130 or in the case of personal property, in a commercially reasonable manner.
- F. Contesting impoundment. Any person seeking to contest the validity of the impound or the amount of towing and storage fees has the right pursuant to the provisions of RCW 46.55.120 to a hearing in Klickitat County District Court, if applicable. If the provisions of RCW 46.55.120 are not applicable, any person seeking to contest the validity of the impound may request a hearing in the form of a petition for relief in the West Klickitat District Court, which petition must be filed and served within ten days of the City's mailings pursuant to BMC 10.14.100(C). Upon receipt of such a petition for relief, the court shall hear and determine the matter as in any other civil action. Removal and storage of a vehicle or personal property shall be at the owner's expense, unless the court determines otherwise at the hearing. (Ord. § 2, 2003; Ord. 547 § 2, 2008; Ord. 581 §2, 2010).

**10.14.110 Violation – penalty.**

- A. The registered owner or owners of a vehicle, jointly and severally, shall be responsible for violations of Sections 10.14.030, 10.14.040, 10.14.050 and 10.15.060. It shall not be a defense that the vehicle was parked by one other than a registered owner, unless the registered owner presents proof that the vehicle was stolen at the time of the violation.
- B. Any violation of Sections 10.14.030, 10.14.040, 10.14.050 and 10.14.060 shall be an infraction. A notice of infraction may be issued by the Bingen-White Salmon Police Department. A notice of infraction represents a determination that an infraction has been committed and that determination is final unless contested as provided in chapter RCW 46.63. Infraction procedures shall be determined by RCW Chapter 46.63, as now or hereafter amended, and by the Infraction Rules for Courts of Limited Jurisdiction as set forth in the most recent Washington Court rules, except to the extent those rules are inconsistent with this chapter. Venue is in West District Court of Klickitat County.
- C. The base penalty for violations of Sections 10.14.030, 10.14.040, and 10.14.050 shall be a minimum of \$25.00 and a maximum of \$40.00 for each violation. The base penalty for violations of Section 10.14.060 shall be a maximum of \$75.00 for each violation.
- D. Each day of a violation of this chapter may, at the sole discretion of the City, constitute a separate violation. (Ord. § 2, 2003; Ord. 547 §3, 2008; Ord. 581 §2, 2010).

**10.14.120 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of this Chapter or the application of the provisions or circumstances is not affected. (Ord. § 2, 2003; Ord. 581 §2, 2010).