

ORDINANCE NO. 819

AN ORDINANCE RELATING TO PARKING; ADDING A NEW SECTION TO CHAPTER 10.20 OF THE MUNICIPAL CODE; ESTABLISHING PENALTIES; REPEALING ANY ORDINANCE, INCLUDING SECTION 10.20.010 MMC, INCONSISTENT WITH ITS TERMS; AND PROVIDING AN EFFECTIVE DATE.

R E C I T A L S:

1. Through the adoption of Ordinance 603, the City provided definitions for use throughout the code, as well as defined conditions under which certain types of vehicles may be parked and utilized upon private property.

2. Since the adoption, situations have occurred which, while not related to zoning, require clarification as to under what circumstances and conditions certain types of vehicles may be parked upon the public right of way.

3. It is the desire of the City in adopting this ordinance to supplement the provisions of RCW 46.61 relating to parking and stopping which have been adopted by the City through the adoption of the Model Traffic Ordinance codified in Chapter 10 of the Municipal Code.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: There shall be added to Chapter 10.20 of the Municipal Code a new section to read as follows:

A. Except as allowed by the provisions of Ordinance 603, now codified in part within the provisions of the Municipal Code, neither a trailer, whether designed for utility or commercial transportation purposes, nor a recreational vehicle, including by way of representation and not limitation, motor homes, 5th wheel trailers, camp trailers, pickup trucks upon which campers are mounted, shall be parked upon any public right of way for more than seventy-two (72) consecutive hours. For purposes of calculation of a violation of this section, it shall be deemed to have been so parked if it is parked for that period within any one thousand two hundred (1,200) foot consecutive portion of the right of way. Removing of the unit from that area for a period of less than twelve hours shall not constitute a break in the time calculation in determination of a violation.

B. Commercial vehicles, including those defined as a combined vehicle pursuant to the provisions of RCW 46.04.130, as now existing or hereafter amended, having more than a single rear axle, shall not be parked upon the public right of way located within an area zoned R-1, R-2, or R-3 except for such period of time as may be necessary to allow loading or unloading of materials transported by or to be transported by the vehicle in question.

C. At no time shall a vehicle be parked in such a manner as to reduce the area of the right of way available for motor vehicle travel to less than fifteen (15) feet in width.

D. Any person violating the provisions of this ordinance shall, upon a finding of committed, be subject to citation and punishment pursuant to the provisions of Section 10.04.300, as now existing or hereafter amended or succeeded and the vehicle subject to impoundment pursuant to the provisions of RCW 46.55.085: PROVIDED THAT, if in the opinion of the officer the vehicle's location constitutes a risk of danger to the life and property of the citizens, impoundment and removal may be ordered immediately.

SECTION II: The provisions of Section I shall be deemed to repeal by implication any provision of the existing Municipal Code, including Section 10.20.010 MMC, which is in conflict therewith.

SECTION III: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION IV: Effective Date: This Ordinance shall take effect upon the fifth day following date of publication.

SECTION V: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS 13TH DAY OF JULY, 2016, by the City Council of the City of McCleary, and signed in approval therewith this 13th day of July, 2016.

CITY OF MCCLEARY:

BRENT SCHILLER, Mayor

ATTEST:

Wendy Collins
WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

Dan O. Glenn
DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number 819 and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number 819, as it was published, is on file in the appropriate records of the City of McCleary.

Wendy Collins
WENDY COLLINS

SIGNED AND SWORN to before me this 15th day of July, 2016, by WENDY COLLINS.



Lindsay Blumberg
NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, Residing at: Grays Harbor
My appointment expires: May 6 2017