

**CITY OF MONROE
ORDINANCE NO.009/2018**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE (MMC) TITLE 10, VEHICLES AND TRAFFIC, AMENDING LOCAL SPEED LIMITS ON VARIOUS CITY STREETS, AMENDING THE CITY'S PARKING REGULATIONS, ADOPTING NEW STANDARDS AND PERMITTING REQUIREMENTS FOR OVERWEIGHT VEHICLES, UPDATING AND CORRECTING MISCELLANEOUS CODE REFERENCES, ADOPTING NEW STANDARDS FOR THE USE OF COMPRESSION BRAKES, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, it is necessary from time to time to amend the Monroe Municipal Code to update certain sections; and,

WHEREAS, the amendments set forth in this ordinance were vetted by the City Council, and were subject to all applicable public noticing, public hearing, SEPA review, and public participation requirements, as part of the City's legislative process.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Repeal of MMC Section 10.08.060 West Columbia Street. Monroe Municipal Code Section 10.08.060, Vehicles and Traffic – Speed Limits – West Columbia Street, is hereby repealed as follows:

~~((10.08.060 west columbia street.~~

~~the speed limit on west columbia street, from king street to north kelsey street, is established at twenty miles per hour when children are present and twenty five miles per hour at other times.))~~

Section 2. Adoption of MMC Section 10.08.090 - West Main Street. Monroe Municipal Code Chapter 10.08, Vehicles and Traffic – Speed Limits, is hereby amended by the addition of a new Section 10.08.090, West Main Street, in its entirety, as follows:

10.08.090 West Main Street.

The speed limit on West Main Street, from 177th Avenue to Madison Street, is established at twenty miles per hour between the hours of 7:00 a.m. and 4:30 p.m. and twenty-five mile per hour at other times.

Section 3. Amendment of MMC Subsection 10.10.020(G). Monroe Municipal Code Section 10.10.020, Vehicles and Safety – Parking Regulations – Parking zones, Subsection G, is hereby amended as follows:

G. The weight of any vehicle parked on city streets not designated as truck routes shall not exceed ~~((twelve))~~fifteen thousand ~~((five hundred))~~ pounds; provided, that the following exceptions shall be applicable:

1. School buses, regardless of weight, shall be authorized to use all city streets.
2. Emergency vehicles may utilize all city streets for emergency or other suitable municipal purposes.
3. ~~((motor vehicles exceeding the weight limitation may transport commodities and make deliveries to and pickups from points in the city; provided, that such vehicles are not driven for more than a minimum distance.))~~ Motor vehicles exceeding the weight limitation transporting commodities and making deliveries to and pickups from points in the city.
4. Motor vehicles operated by governments or utility companies.
5. Motor vehicles with a valid overweight parking permit per MMC section 10.10.090.

Section 4. Adoption of MMC Subsection 10.10.020(I). Monroe Municipal Code Section 10.10.020, Vehicles and Safety – Parking Regulations – Parking zones, Subsection I, is hereby adopted in its entirety, as follows:

I. Angle parking is permitted on the north side of Main Street between Ferry Avenue and Blakeley Street.

Section 5. Amendment of MMC Subsection 10.10.035(A). Monroe Municipal Code Section 10.10.035, Vehicles and Safety – Parking Regulations – Disabled parking-Violations, Subsection A, is hereby amended as follows:

A. It is a parking infraction with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without obtaining and displaying a special license plate, card, or decal issued pursuant to RCW ~~((46.16.381))~~46.19.050.

Section 6. Amendment of MMC Subsection 10.10.040(A). Monroe Municipal Code Section 10.10.040, Vehicles and Safety – Parking Regulations – Penalties, Subsection A, is hereby amended as follows:

A. Any person who violates any provision of Chapters 10.10 and 10.14 MMC for which no penalty is prescribed shall have committed an infraction and shall be assessed a monetary penalty not to exceed two hundred fifty dollars for each such violation. A forfeitable penalty schedule for infractions shall be established through the city's fee

resolution. The city may enforce the penalty schedule through its violation bureau and/or may forward it to the ~~((evergreen district court of snohomish county))~~Monroe Municipal Court or any other court having jurisdiction of traffic cases.

B.

Section 7. Amendment of MMC Section 10.10.070. Monroe Municipal Code Section 10.10.070, Vehicles and Traffic – Parking Regulations – Traffic infraction, is hereby amended as follows:

10.10.070 Traffic Infraction.

Failure to perform any act or the performance of any act prohibited by this chapter is a traffic infraction. The penalty for such infraction shall be in accordance with MMC 10.10.040 and shall be filed with ~~((evergreen district court of snohomish county))~~Monroe Municipal Court or any other court having jurisdiction of traffic cases.

Section 8. Adoption of MMC Section 10.10.090. Monroe Municipal Code Chapter 10.10.090, Vehicles and Traffic – Parking Regulations – Overweight parking permits, is hereby adopted in its entirety, as follows:

10.10.090 Overweight parking permits.

A. Required. Motor vehicles exceeding the weight limitations of 10.24.040 shall obtain an overweight parking permit from the City Administrator or his/her designee prior to parking on rights-of-way that are not designated as truck routes or on property that is not immediately adjacent to a designated truck route, provided, that the following exceptions shall be applicable:

1. School buses.
2. Emergency vehicles.
3. Motor vehicles exceeding the weight limitation transporting commodities and making deliveries to and pickups from points in the city.
4. Motor vehicles operated by governments or utility companies.

B. Application for permit. Owners or drivers of motor vehicles exceeding 15,000 pound GVW may obtain an annual permit from the city to park a vehicle on property owned or occupied by them or the right-of-away immediately adjacent to property owned or occupied by them. The application for such permit shall be on a form provided by the City. The cost of such application shall be as established by the City Council by periodic resolution.

C. Review of application. Requests for overweight parking permits shall be reviewed upon application and at least annually thereafter to ensure that the parking of such vehicle will not damage the public right-of-way, impair access to and from the public right-of-way, obstruct traffic on any city street, or unsafely obstruct the visibility of motorists or pedestrians..

D. Revocation of permit. Such permit may be revoked by the City Administrator or his/her designee at any time if it is determined that the parking of the vehicle is damaging the public right-of-way, impairing access to and from the public right-of-way, obstructing visibility of other motorists or pedestrians, or in any other way infringing on public interests.

E. A decision of the City Administrator or his/her designee issued under the authority of this section shall be administratively appealable to the hearing examiner pursuant to Chapter 2.34 MMC.

Section 9. Amendment of MMC Section 10.14.060. Monroe Municipal Code Section 10.14.060, Vehicles and Traffic – Parking Regulations – Infractions processed, is hereby amended as follows:

10.14.060 Infractions processed.

Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120, as now enacted or hereafter amended. Additionally, infractions generated by the use of automated traffic safety cameras under this chapter shall be processed in the same manner as parking infractions prosecuted under this code, including for the purposes of RCW 3.50.100, 3.62.040, ~~((46.16.216))~~ 46.16A.120, and 46.20.270, and any other applicable statutes.

Section 10. Amendment of MMC Subsection 10.18.020(G). Monroe Municipal Code Section 10.18.020, Vehicles and Traffic – Motorized Foot Scooters – Definitions, Subsection G, is hereby amended as follows:

G. "Wheeled recreational device" means any wheeled recreational object designed to propel the person using that object with an internal combustion or electric motor, whether it be stood or sat upon or ridden in and that is not required to obtain and display a Washington State vehicle license (RCW 46.16A). For purposes of this chapter, "wheeled recreational devices" does not include motorcycles (RCW 46.04.330), motor-driven cycles (RCW 46.04.332), mopeds (RCW 46.04.304), electric-assisted bicycles (RCW 46.04.169), electric personal mobility devices (RCW 46.04.1695), or power wheelchairs (RCW 46.04.415).

Section 11. Amendment of MMC Section 10.20.020. Monroe Municipal Code Section 10.20.020, Vehicles and Traffic – Overtime Parking – Application for permit, is hereby amended as follows:

10.20.020 Application for permit.

Whenever a person deems it necessary to park overtime on any Monroe street for the purpose of construction or repair, or servicing of business premises, ~~((he))~~ that person shall apply to the city administrator or his/her designee ~~((clerk))~~ for such a permit ~~((at the office of the city clerk))~~.

The city administrator or his/her designee~~((clerk))~~ shall have the police department investigate the need for such a permit, and, upon approval of the police department, shall issue a permit for a period of one week or less shall be issued for a fee as established by the city council by periodic resolution, renewable weekly as long as such need continues. Each permit shall allow the holder to occupy one parking space during working hours.

Section 12. Amendment of MMC Section 10.24.010. Monroe Municipal Code Section 10.24.010, Vehicles and Traffic – Truck Routes – Purpose, is hereby amended as follows:

10.24.010 Purpose.

The purpose of this chapter is to confine the operation ~~((of trucks and other-))~~ motor vehicles weighing in excess of fifteen thousand pounds gross vehicle weight to designated streets and highways within the city.

Section 13. Amendment of MMC Section 10.24.040. Monroe Municipal Code Section 10.24.040, Vehicles and Traffic – Truck Routes – Maximum weight limitation on streets not designated as truck routes, is hereby amended as follows:

10.24.040 Maximum weight limitation on streets not designated as truck routes.

The weight of any vehicle operating on city streets not designated as truck routes shall not exceed fifteen thousand pounds gross vehicle weight; provided, that the following exceptions shall be applicable:

- A. School buses, regardless of weight, shall be authorized to use all city streets.
- B. Emergency vehicles may utilize all city streets for emergency or other suitable municipal purposes.
- C. Motor vehicles exceeding the weight limitation may transport commodities and make deliveries to and pickups from points in the city; provided, that such vehicles are not driven for more than a minimum distance necessary for the purpose and subject to subsection (D) of this section.
- D. Motor vehicles exceeding the weight limitations may make pickup from and deliveries to the businesses located within the general industrial park area surrounded by Highway 2 to the north, Fryelands Boulevard to the west, 148th Street to the south, and 179th Avenue SE to the east, and shall be allowed to use Fryelands Boulevard as an authorized travel route for those purposes, notwithstanding any other provision to the contrary in this chapter.
- E. Motor vehicles with a valid overweight parking permit. Travel to and from any permitted parking site shall not be more than a minimum distance necessary from approved truck routes.~~((owners or drivers of trucks or vehicles exceeding fifteen thousand pounds may obtain an annual permit from the city to park such a vehicle on property owned or occupied by them. the cost of such permit shall be as established by the city council by periodic resolution. such permit shall be valid from january 1st through~~

~~december 31st. the application for such permit shall be on a form provided by the finance director's office travel to and from any permitted parking site shall not be more than a minimum distance necessary for the purpose from approved truck routes in the city. such permit to park on private property shall be subject to review at least annually. such permit may be revoked at any time if it is determined that the parking of the vehicle is damaging the public right of way, impairing access to and from the public right of way, or in any other way infringing on public interests.))~~

~~F. Motor vehicles operated by governments or utility companies may utilize all city streets for emergency or other suitable municipal or utility purposes. ((owners or drivers of trucks or vehicles exceeding fifteen thousand pounds may obtain an annual permit from the city to park such a vehicle on the right of way adjacent to property owned or occupied by such individual. the cost of such permit shall be as established by the city council by periodic resolution. such permit shall be valid from january 1st through december 31st. the site where parking is proposed shall be reviewed by the city engineer and the chief of police, who shall review such proposed parking site to make sure that the parking of such vehicle will not do any damage to the public right of way, impair access to and from the public right of way, obstruct traffic on any city street, obstruct visibility of motorists or pedestrians, or in any other way infringe on public interests. travel to and from any permitted parking site shall not be more than a minimum distance necessary for the purpose from approved truck routes in the city. such permit to park on city right of way shall be subject to review at least annually. such permit may be revoked at any time if it is determined that the parking of the vehicle is damaging the public right of way, impairing access to and from the public right of way, obstructing visibility of other motorists or pedestrians, or in any other way infringing on public interests.~~

~~G. parking permits are limited to one valid permit for any property at any given time.))~~

Section 14. Adoption of MMC Section 10.24.045. Monroe Municipal Code Section 10.24.045, Vehicles and Safety – Truck Routes – Compression brakes, is hereby adopted in its entirety, as follows:

10.24.045 Compression brakes.

No person operating a motor vehicle with a gross vehicle weight of greater than 15,000 pounds shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or part thereof. It shall be an affirmative defense that said compression brakes were applied in an emergency and were necessary for the protection of persons or property. This section shall not apply to emergency vehicles.

Section 15. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 16. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 1st day of May, 2018.

First Reading: April 17, 2018
Adoption: May 1, 2018
Published: May 4, 2018
Effective: May 9, 2018

CITY OF MONROE, WASHINGTON:




Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Lell, City Attorney