

Chapter 11.04

TRAFFIC CODE

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11.04.005 Model Traffic Ordinance

Adopted by Reference. The “Washington Model Traffic Ordinance,” WAC 308-330, hereinafter referred to as the “MTO,” is adopted by reference as the traffic code for the City, ALONG WITH as SS 4, 5, 6, 7, 10, 11, 12, and 23 of Chapter 275, Laws of 1994 as now or hereafter amended, as if set forth in full in this section, except as provided in section 11.04.010 of this chapter. (Ord. 1764, 1994)

11.04.010 MTO Sections Not Adopted.

The following sections in or of the MTO are not adopted by reference and are expressly deleted: RCW 46.04.431 (definition of “highway”); WAC 308-330-210 (Police administration); WAC 308-330-215 (duty of traffic division); WAC 308-330-260 (Traffic engineer); WAC 308-330-275, (Traffic safety commission—Powers and duties); WAC 308-330-500, 308-330-525, 308-330-530, 308-330-535, 308-330-540, 308-330-560 (bicycle licensing); WAC 308-330-600, 308-330-610, 308-330-620, 308-330-630, 308-330-640, 308-330-650 (parking meters); WAC 308-330-660 (service parking). (Ord. 1764, 1994, Ord. 1954, 2000)

11.04.011 Traffic Engineer.

The office of Traffic Engineer is established: provided, that if there is no traffic engineer, then the engineer of the local authority shall serve as traffic engineer in addition to his/her other functions, and shall exercise the powers and duties with respect to traffic as provided in this chapter: provided further, that if there is no engineer in the local authority, then the appointing authority shall designate a person to exercise such powers and duties.

It shall be the general duty of the Traffic Engineer to determine the installation and maintenance of traffic control devices, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the highways of the local authority, to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by any ordinances of the local authority. (Ord. 1954, 2000)

11.04.012 MTO—Copies on File.

Incident to the adoption of the MTO by reference by Section 11.04.005, copies of the text of the

adopted MTO and of other adopted statutes shall be filed as required by RCW 35.21.180 for use and examination by the public. (Ord. 1498, 1982)

11.04.015 Establish the Traffic Violations Bureau. There is hereby established pursuant to RCW 3.30.090 a Traffic Violations Bureau for the City of Snohomish, Washington.

The Traffic Violations Bureau herein established shall operate under the supervision of the Evergreen District Court to assist the court in processing traffic infractions. This ordinance shall confer authority upon the court in conjunction with jurisdictions and authority otherwise available to allow any and all traffic infractions issued by the City of Snohomish to be processed through the City of Snohomish Traffic Violations Bureau. Any traffic infraction may be by virtue of a City of Snohomish enactment, designated a traffic infraction which may be processed through the City of Snohomish Traffic Violations Bureau.

The Traffic Violations Bureau herein established shall be in conformance with Chapter 46.63 RCW and RCW 3.30.090. The Traffic Violations Bureau so established shall receive the posting of penalties for traffic infractions to the extent authorized by the Evergreen District court. The Traffic Violations Bureau shall issue a receipt therefore to the alleged violator acknowledging the posting thereof.

All penalties and to the City of Snohomish Traffic Violations Bureau shall be placed in the City General Fund.

The City Manager shall appoint a Traffic Violation Bureau clerk, as approved by the Presiding Judge, who shall perform all

duties assigned to the Traffic Violations Bureau.

If any part or portion of this ordinance shall be declared invalid for any reason, such declaration of invalidity shall not affect any remaining part or portions. This ordinance shall take effect five (5) days after publication by posting as required by law. (Ord. 1667, 1989)

11.04.016 Definition of Highway. “Highway” means the entire width of the right-of-way of every road, street, alley, lane, and boulevard and the entire width between the boundary lines of every parking lot and every way or place in the City of Snohomish, whether publicly or privately maintained, when any part thereof is open at any time to the use of the public for purposes of vehicular travel. (Ord. 1498, 1982).

11.04.044 Compression Brakes Prohibited. No person 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 any unit or part thereof. Provided, however, that this prohibition shall not apply in the event that said compression brakes were applied in an emergency and were necessary for the protection of persons and/or property. Violation of this prohibition shall be a traffic infraction. (Ord. 1619, 1987)

11.04.045 Inattention to Driving. It shall constitute a traffic infraction for any person to operate a motor vehicle in an inattentive manner over and along the highways of the City. For the purpose of this section, to “operate in an inattentive manner” means the operation of a vehicle in a manner which, without regard to speed, is not reasonable and prudent under the conditions and lacks full regard for the actual and

potential hazards then existing. The offense of inattention to driving shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a negligent manner, and any person charged with operating a vehicle in a negligent manner may be convicted of the lesser offense of operating a motor vehicle in an inattentive manner. (Ord. 1406, 1978; Ord. 1498, 1982)

11.04.046 Cutting Corner Prohibited. It is unlawful for any person operating a motor vehicle upon any public roadway within the City to turn such vehicle either to the right or to the left upon approaching or leaving any intersection and to proceed across any property, whether publicly or privately owned and/or maintained, for the purpose of avoiding the intersection or any traffic-control sign or device controlling the intersection, unless so directed by proper authorities. (Ord. 2234, 2012)

Violation of this section is a traffic infraction. The penalty for the infraction is the amount as established by the Washington State Court Rules for courts of limited jurisdiction IRLJ 6.2 (b) unscheduled infractions plus statutory assessments. (Ord. 2234, 2012).

11.04.050 Establishment of Zones. For the protection of and in the public interest, to prevent traffic congestion or danger, and to maintain the most efficient use of the highways, the City Council shall, by resolution from time to time adopt existing and establish additional parking and/or angle parking zones, limited parking and/or limited angle parking zones, danger zones, safety zones, bus zones, loading zones, traffic lanes, school zones and crossings, and marked crosswalks and other means to give notice of such. (Ord. 830, 1955)

11.04.110 Arterial Highways. Avenue D within the limits of the City; First Street within the limits of the City; Second Street within the limits of the City; Maple Street, the northern portion of which is commonly known and designated as the Machias Highway, within the limits of the City; Lincoln Street south from Second Street to the south City limits, Fourth Street from the west line of Avenue J to the west line of Pine Street, Pine Street north from Second Street to the north City limits; Glen Street from the north line of Fourth Street to the north line of Fifth Street; Terrace Street from Sixteenth Street to the north City limits; Seventy-Sixth Street from Avenue A to intersection with Pine Street; and Fifth Street from the west side of Maple to the east side of Avenue D and west of Avenue D to the east side of Avenue J; Tenth Street between Avenue D and Maple Street; all within the City of Snohomish, are hereby declared to be arterial highways, and it shall be the duty of all persons driving or operating any vehicle when approaching said arterial highways to bring such vehicles to a complete stop at the point of intersection, excepting, however, that the operators of vehicles shall not be required to bring same to a stop before entering First Street from either the north or south on Avenue D. The intersection of Glen Street and Pearl Street shall be regulated by the placement of a stop sign on Pearl Street on the northeast corner of that intersection. (Ord. 830, 1955; Ord. 903, 1960; Ord. 989, 1965; Ord. 1004, 1966; Ord. 1130, 1971; Ord. 1230, 1974; Ord. 1339, 1976)

11.04.150 Railway Trains—Obstructing Streets—Speed. It shall be unlawful for the directing officer or the operator of any railway train or car to direct the operation of or to operate the same in such a manner as to prevent or interfere with the use of any street for purposes of travel for a period of time

longer than five consecutive minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. (Ord. 830, 1955)

11.04.225 Right Turns from Parking areas. Vehicles shall make a right turn only upon entering Union Avenue from the private parking area of Snohomish Branch, Seattle-First National Bank located on the west side of Union Avenue between First and Second Streets therein, upon entering Avenue D from the private parking area of the medical and dental clinic and offices located on the east side of Avenue D between Second and Third Streets therein, and upon entering Second Street from the private parking area of Snohomish Branch, First Federal Savings and Loan Association located on the north side of Second Street between Union Avenue and Avenue A therein, and the street superintendent shall place appropriate signs and/or paint appropriate directions at or near the points of exit from said private parking areas to aid in the enforcement of this section. (Ord. 830, 1955; Ord. 953, 1964)

11.04.226 Portions of Fifth Street Designated as One-Way. Fifth Street between Avenue B and Avenue A, and between Cedar and Maple, shall be designated and signed for one-way traffic eastbound. (Ord. 1530, 1984)

11.04.228 Disposition of Traffic Fines and Forfeitures. All fines or forfeitures collected upon adjudication or conviction or upon the forfeiture of bail of any person charged with the violation of any of the provisions of the ordinance codified in this chapter shall be paid into the general fund of the City. (Ord. 1498, 1982)

11.04.229 Official Misconduct. Failure, refusal, or neglect on the part of any judicial

or other officer or employee receiving or having custody of any fine and forfeiture of bail regulated in Section 11.04.228 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. 1498, 1982)

11.04.300 Impoundment of Vehicle Where Driver is Arrested for a Violation of RCW 46.20.005, 46.20.015, 46.20.342, 46.20.420, 46.61.502, 46.61.504—Period of Impoundment.

- A. Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.005, 46.20.015, 46.20.342, 46.20.420, 46.61.502, 46.61.504, the vehicle is subject to impoundment at the direction of a police officer.
- B. Whenever the driver of a vehicle is arrested or cited for a violation of RCW 46.20.005, 46.20.015, 46.20.342, 46.20.420, 46.61.502, 46.61.504, then the vehicle may be released as soon as all the requirements of SMC 11.04.310 are satisfied.
- C. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing's records show that the driver has been convicted one (1) time of a violation of RCW 46.20.342 or similar local ordinance within the past five (5) years, the vehicle shall be impounded for fifteen (15) days.
- D. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(c) and the Washington Department of Licensing's records show that the driver has been convicted two (2) or more times of a violation of RCW

46.20.342 or similar local ordinance within the past five (5) years, the vehicle shall be impounded for thirty (30) days.

- E. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has not been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance within the past five (5) years, the vehicle shall be impounded for thirty (30) days.
- F. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted one (1) time of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance once within the past five (5) years, the vehicle shall be impounded for sixty (60) days.
- G. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342(1)(a) or (b) and the Washington Department of Licensing's records show that the driver has been convicted of a violation of RCW 46.20.342(1)(a) or (b) or similar local ordinance two (2) or more times within the past five (5) years, the vehicle shall be impounded for ninety (90) days. (Ord. 1894, 1999)

11.04.310 Redemption of Impounded Vehicles. Vehicles impounded by the City shall be redeemed only under the following circumstances:

- A. Only the registered owner, a person authorized by the registered owner, or one who has purchased the vehicle from

the registered owner, who produces proof of ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to Section 11.04.300 SMC must prior to redemption establish that he or she has a valid driver's license and is in compliance with RCW 46.30.020. A vehicle impounded pursuant to Subsection (3) to (7) of SMC 11.64.100 can be released only pursuant to a written order from the court.

- B. Any person so redeeming a vehicle impounded by the City shall pay the towing contractor for costs of impoundment removal, towing, and storage prior to redeeming such vehicle, except as provided for by subsection (3) of this section. Such towing contractor shall accept payment as provided in RCW 46.55.120 (1)(b) as now or hereafter amended. If the vehicle was impounded pursuant to Section 11.04.300 and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines, or forfeitures owed by the registered owner have been satisfied.
- C. The Evergreen District Court is authorized to release a vehicle impounded pursuant to SMC 11.04.300(3) prior to the expiration of any period of impoundment upon petition of the spouse of the driver based on economic or personal hardship to such spouse resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from release of the vehicle including, but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle.

If such release is authorized, the person redeeming the vehicle still must satisfy the requirements of SMC 11.04.310 (1) and (2).

D. Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation has a right to a District Court hearing to contest the validity of an impoundment or the amount of removal, towing, and storage charges if such request for hearing is in writing, in a form approved by the Evergreen District Court and signed by such person, and is received by the Evergreen District Court within ten (10) days (including Saturdays, Sundays, and holidays) of the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a). Such hearing shall be provided as follows:

1. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under SMC 11.04.300, have been satisfied, then the impounded vehicle shall be released immediately and a hearing as provided for in SMC 11.04.320 shall be held within ninety (90) days of the written request for hearing.
2. If not all of the requirements to redeem the vehicle, including expiration of any period of impoundment under SMC 11.04.100, have been satisfied, then the impounded vehicle shall not be released until after the hearing provided pursuant to SMC 11.04.320, which shall be held within two (2) business days (excluding Saturdays, Sundays, and holidays) of the written request to the court for hearing.

3. Any person seeking a hearing who has failed to request such hearing within the time specified in SMC 11.04.310 (4) may petition the Evergreen District Court for an extension of time to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purposes of this section, good cause shall be defined as circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

4. If a person fails to file a timely request for hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment are deemed to be proper, and the City shall not be liable for removal, towing, and storage charges arising from the impoundment. (Ord. 1894, 1999)

11.04.320 Post-Impoundment Hearing Procedure. Hearings requested pursuant to SMC 11.04.310 shall be held in the Evergreen District Court, which court shall determine whether the impoundment was proper and whether the associated removal, towing, and/or storage fees were proper.

- A. At the hearing, an abstract of the driver's driving record is admissible without further evidentiary foundation and is prima facie evidence of the status of the driver's license, permit, or privilege to

drive and that the driver was convicted of each offense shown on the abstract. In addition, a certified vehicle registration of the impounded vehicle is admissible without further evidentiary foundation and is prima facie evidence of the identity of the registered owner of the vehicle.

- B. If the impoundment is found to be proper, the court shall enter an order so stating. In the event that the costs of impoundment, removal, towing, and storage have not been paid or any other applicable requirements of SMC 11.04.310 (2) have not been satisfied or any period of impoundment under SMC 11.04.300 has not expired, the court's order shall also provide that the impounded vehicle shall be released only after payment to the City of any fines imposed on any underlying traffic or parking infraction and satisfaction of any other applicable requirements of SMC 11.04.310 (2).
- C. If the impoundment is found to be improper, the court shall enter an order so stating and order the immediate release of the vehicle. If the costs of impoundment have already been paid, the court shall enter judgment against the City and in favor of the person who has paid the costs of impoundment in the amount of the costs of the impoundment.
- D. In the event that the court finds that the impound was proper, but that the removal, towing, storage, fees charged for the impoundment were improper, the court shall determine the correct fees to be charged. If the costs of impoundment have been paid, the court shall enter a judgment against the City and in favor of the person who has paid the costs of

impoundment for the amount of the overpayment.

- E. No determination of facts made at a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and such determination shall not preclude litigation of those same facts in a subsequent criminal prosecution.
- F. As to any impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420, if it is determined to be improper, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. (Ord. 1894, 1999)