

ORDINANCE _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON REGARDING RV PARKING

WHEREAS, the following behaviors and impacts have been observed in the vicinity of recreational vehicles (“RVs”) parked within public rights of way within the City of Bellingham: accumulation of debris, litter, human waste, animal waste, unauthorized encampments, disorderly conduct, public intoxication, illegal drug activity, property damage, fires, public urination, pedestrian and vehicular obstruction, and impaired sightlines and distances for pedestrians, bicyclists and motor vehicle operators; and

WHEREAS, the Bellingham City Council finds that these behaviors and impacts threaten public health and safety, particularly when they occur near schools and other facilities that cater to children; and

WHEREAS, the Bellingham City Council also finds that these behaviors significantly hamper the implementation of other city goals, such as protecting our natural environment and encouraging people to use walking, biking, and transit instead of driving, particularly for school related trips or other trips that involve children.

WHEREAS, the Bellingham City Council possesses authority under RCW 35.22.280 and the Constitution of the State of Washington, Art. 11 § 11, to adopt ordinances regulating the use of public streets and alleys; and

WHEREAS, the Bellingham City Council possesses authority under RCW 46.61.570 to adopt ordinances placing restrictions on parking within public streets and alleys within the City; and

WHEREAS, the Bellingham City Council possesses authority under RCW 46.55.240 to adopt ordinances authoring the impoundment of vehicles in situations arising locally upon the public right of way; and

WHEREAS, the Bellingham City Council finds that it is in the public interest to prohibit RV parking on streets and alleys within one thousand feet of the grounds of any primary or secondary school and other specified facilities that cater to children; and

WHEREAS, it is the intent of the City to address this issue with empathy, compassion, and recognition of the rights of all those persons who experience homelessness by utilizing education, social outreach, referral to social service and mental health providers, incremental enforcement, and the least intrusive means of enforcement available to achieve compliance, while providing City staff with narrowly tailored tools to protect the health and safety of children; and

WHEREAS, it is the intent of the City to implement this ordinance with ample notification through outreach over a period of time to provide education, and ample use of warning prior to taking enforcement action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN THAT:

Section 1. Section 11.18.020 of the Bellingham Municipal Code is amended as follows. Amendments are shown in strikethrough/underline format.

11.18.020 Impounds authorized in addition to RCW 46.55.113

In addition to the impound situations that are authorized pursuant to RCW 46.55.113, a Bellingham police officer or parking enforcement officer established in BMC 2.27.010 may take custody of a vehicle and provide for its prompt removal to a place of safety under the following circumstances:

A. When the vehicle is impeding or is likely to impede the normal flow of vehicular or pedestrian traffic; or

B. When the vehicle is illegally occupying a truck, commercial load zone, bus, loading, taxi, or other similar zone where, by order of the director of engineering or chief of police or fire, parking is limited to designated classes of vehicles or is prohibited during certain hours on designated days or at all times, and where such vehicle is interfering with the proper and intended use of such zones; or

C. When a vehicle is parked in a public right-of-way or on publicly owned or controlled property in violation of any law, ordinance, or regulation and there are four or more parking infractions issued against the vehicle for each of which a person has failed to respond, failed to appear at a requested hearing, or failed to pay an adjudicated parking infraction for at least 45 days from the date of the filing of the notice of infraction.

D. When a vehicle is a recreational vehicle and is parked on a street or alley within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, childcare center, public park, public transit center, or public library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older. "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed as a temporary living quarters for recreational, camping or travel use.

Section 2. Section 11.33.060 of the Bellingham Municipal Code is amended as follows. Amendments are shown in strikethrough/underline format.

11.33.060 Stopping, standing or parking prohibited in specific places – Reserving portion of highway prohibited.

A. Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, no person shall stop, stand, or park a vehicle:

1. In any alley, provided, when lawful under the provisions of this title, it is unlawful to stop, stand, or park a vehicle in such a manner as to leave available less than eight feet of width of roadway in the alley, or adjacent thereto, for the free movement of vehicular traffic and in any event it shall be unlawful to park in that portion of the alley marked as a fire lane;
2. No person shall stand or park a passenger vehicle in any alley at any time except momentarily to pick up or discharge a passenger or passengers or to load or unload property and then only for a period not to exceed five minutes;
3. No person shall stand or park a commercial vehicle in any alley for any purpose or length of time other than the expeditious loading and unloading of goods and then in no case shall the stop for loading or unloading of materials exceed 30 minutes; provided, that any such vehicle is properly licensed as a commercial vehicle by the State of Washington Department of Motor Vehicles;
4. Upon or along any street or highway when traffic will be unreasonably obstructed;
5. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
6. Within 50 feet of the nearest rail of a railroad crossing;
7. Within six feet of the nearest rail or railroad tracks except as provided herein, in the case of a railroad crossing;
8. Upon any street, except when loading or unloading property if the vehicle is over 80 inches in width; provided, that such stopping, standing, or parking is permitted in areas zoned by this code as a manufacturing or industrial use district;
9. On or within 20 feet of a crosswalk;
10. On the roadway side of any vehicle stopped or parking at the edge or curb of a street;
11. In front of a public or private driveway or within five feet of the end of the curb leading thereto. A vehicle in violation of this provision may be impounded immediately in the manner provided by this title for unauthorized vehicles if such vehicle obstructs ingress or egress to or from the driveway;
12. Alongside or opposite any city street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
13. Within 200 feet of fire apparatus stopped in answer to a fire alarm;
14. Within any space signed or marked as a fire exit; also within that portion of any city street contiguous to and opposite any corridor, passage, fire escape, exit or entrance door,

or any other place adjacent to, or any door opening in an outer wall of any building or other structure containing, in whole or in part, any theater, public auditorium, church, dance hall, or other place of public assembly through which the public must pass to leave such building;

15. Within 15 feet of a fire hydrant, unless otherwise designated;

16. In such a manner that motor fuel leaks from the tank thereof;

17. Within an intersection;

18. By reparking the vehicle in the same block to avoid a time limit regulation specified in this title;

19. In any garage, parking area, or other property owned and operated by the city where signs prohibit such parking without lawful authority or permission where the vehicle shall be parked for a consecutive period of time longer than that period lawfully permitted. Such violating vehicle may be summarily abated by impounding in the manner provided by this title for unlawfully parked vehicles. The impounding of such vehicle shall not prevent or preclude the institution and prosecution of charges in the municipal court or elsewhere for violation of this title;

20. In any park, except in areas designated by the director of the city parks department;

21. On a planting strip, provided, it is permissible to stop, stand, park, or angle park a vehicle in such strip on: (a) a city street serving only a commercial, manufacturing or industrial area and when such strip is not planted, or (b) where the planting strip is paved or otherwise improved for parking purposes. The paved area, when constructed at sidewalk grade, shall be served by regulation concrete driveways and shall be separated from the sidewalk and from the curb by a planted area not less than four feet in width. The paved area, when constructed at roadway grade, shall be subject to the posted parking prohibitions applying to the adjacent roadway;

22. On a sidewalk or sidewalk area;

23. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway, except in parking management zone;

24. Upon any city street, if the vehicle is a trailer, unless the trailer is attached to a vehicle by which it may be propelled or drawn; provided, that in case of accident such trailer may be moved to the side of the street, and, if a good and sufficient red signal be displayed at both ends thereof during the hours of darkness, such trailer may be permitted or allowed to remain for a period not exceeding 24 hours pending removal; except that such trailer shall not remain upon any portion of a city street where standing or parking is limited or prohibited for a period longer than is necessary to effect its removal;

25. In one place upon the city street for a consecutive period in excess of the maximum time limit designated on an official posted sign controlling such parking space; or, for parking spaces not controlled by an official posted sign, for a consecutive period of time in excess of 72 hours;
26. On that portion of any street lawfully set aside for the movement of traffic in the direction opposite to that which the parked vehicle faces;
27. Between safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;
28. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;
29. Upon any city street, if the vehicle has been left in the care of the owner or operator of any parking lot or garage, or his agent;
30. At any place or time where official signs or markings prohibit stopping, standing, or parking;
31. For purposes of unloading the vehicle in such a manner as to cause damage to the surface of the street;
32. For purposes of loading or transporting any materials in such a manner as to cause loud noises to the disturbance of the peace;
33. Within 10 feet of a United States mailbox, except temporarily for the purpose and while engaged in the delivery or pickup of postal items;
34. Upon any street or alley when such vehicle does not display current and proper vehicle license plates for the state in which it is purported to be registered;
35. Within any parking space or area signed or marked with insignia approved by the city engineer as a disabled parking space, including spaces provided on private property without charge, except as permitted by RCW 46.19.050 or other provision of law;
36. Registered to a vehicle rental company or car dealership, or their affiliates, or otherwise within the vehicle rental company's or car dealership's custody or control, upon any street when parked thereon by the owner, operator or agent of a vehicle rental company or car dealership, or with the knowledge of the owner, operator or agent that said vehicle is parked on the street, for the purpose of storing such vehicle. There shall be a rebuttable presumption that the vehicle has been parked upon the street by or with the knowledge of

the owner, operator or agent of the rental car company or car dealership for storage purposes if the vehicle is parked upon the street within two square blocks of the place of business of the rental company or car dealership. Each vehicle parked in violation of this subsection shall constitute a separate offense;

37. Upon any designated bicycle lane;

38. Upon any designated fire lane on public or private property;

39. Within any access aisle located next to a space reserved for persons with physical disabilities;

40. Within any parking space or area signed as a city of Bellingham permit parking area, unless the person possesses a valid parking permit and the vehicle is registered under the permit. A violating vehicle may be summarily impounded in the manner provided by this title for unlawfully parked vehicles. The impounding of such vehicle shall not prevent or preclude other enforcement in the municipal court or elsewhere for violation of this title. The restrictions that apply to any permit parking area within a shelter protection area established by ordinance shall include the following:

a. No person shall enter or remain in parking stalls for any purpose other than to park or retrieve a motor vehicle or to place or retrieve an item of personal property in the motor vehicle; and

b. No person shall use the parking area or vehicle for the purpose of housing or camping, including but not limited to dwelling, sleeping, bathing, cooking, or use as a restroom.

The restrictions set forth in subsections (A)(40)(a) and (A)(40)(b) of this section shall not apply to any permit parking area in the public right-of-way other than those that are within an area established by ordinance.

Violation of any permit condition or restriction imposed by ordinance or the city's traffic engineer may result in revocation of the permit. Following revocation, the violator and vehicle registered with the city shall be subject to a three-month restriction from obtaining a permit for the lot where the violation occurred. Any such revocation shall be determined by the director of the department of public works who shall send a written notice to the permit holder, which notice shall contain the following information: that the permit will be revoked not sooner than seven days from the date of the letter; that unless a written notice of appeal is filed with the department of public works, the permit will be deemed revoked; that if a written notice of appeal is filed within the required time, a hearing will be set; and the reasons for the revocation. Revocation appeals shall be heard and determined by the director of the department of public works. There shall be no refund based on time remaining on the permit following revocation.

41. Within any parking space served by publicly available electric vehicle supply equipment if the vehicle is not connected to the charging equipment, unless otherwise authorized by state law;

42. Upon any street or alley within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, childcare center, public park, public transit center, or public library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older, if the vehicle is a recreational vehicle. "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed as a temporary living quarters for recreational, camping or travel use.

B. Parking or standing shall be permitted in the manner provided by law at all other places except a time limit or other parking restriction may be imposed at other places by the city's traffic engineer under the supervision of the public works director. Official signs, including temporary signs, that establish time-limited parking or prohibit parking at certain times or entirely shall be enforceable according to their terms 24 hours after posting, including in areas where parking is otherwise permitted up to 72 hours.

C. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

D. It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right, except as provided in BMC 11.33.190.

E. It shall be unlawful for any person to remove or erase chalk marks placed on a vehicle's tire by a police officer or parking control official without first removing the vehicle beyond the block where the vehicle was located when the chalk marks were placed on the tire.

PASSED by City Council this _____ day of _____, 2023.

Council President

APPROVED by me this ____ day of _____, 2023.

Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:
