

Title 10

VEHICLES, FERRIES AND TRAFFIC

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Chapter 10.04

SCOPE AND DEFINITIONS

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10.04.010 Applicability.

The provisions of this Chapter shall apply to and govern the operation of vehicles and the conduct of pedestrians on every public highway, or part thereof, within Pierce County, except those public highways or portions thereof which are within the corporate limits of cities and towns. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010 (part))

10.04.020 Alley.

"Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010 (A))

10.04.030 Brake.

"Brake" means any device used for slowing, halting or stopping the movement of any motor vehicle. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(B))

10.04.040 Centerline.

"Centerline" means the line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(C))

10.04.050 County Road.

"County road" means every public highway or part thereof, outside the limits of cities and towns publicly maintained, and which has not been designated as a state highway. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(D))

10.04.060 Crosswalk.

"Crosswalk" means the portion of a roadway between the intersection area and prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line 10 feet therefrom, except as modified by a marked crosswalk. (Ord. 84-116 § 1 (part), 1984; prior Code 46.04.010(E))

10.04.070 Highway.

"Highway" means the entire width between the boundary lines of every publicly maintained way when any part thereof is open to the public's use for purposes of vehicular travel. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(F))

10.04.080 Laned Highway.

"Laned highway" means a highway the roadway of which is divided into clearly marked lanes for vehicular traffic. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(G))

10.04.090 Marked Crosswalk.

"Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(H))

10.04.100 Motorcycle.

"Motorcycle" means every motor vehicle having a saddle for the rider's use and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(J))

10.04.110 Motor Vehicle.

"Motor vehicle" means every vehicle which is self-propelled and includes every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported upon a county road. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(I))

10.04.120 Multiple Lane Highway.

"Multiple lane highway" means any public highway the roadway of which is of sufficient width to reasonably accommodate four or more separate lanes of vehicular traffic, two or more lanes in each direction, each lane of which shall be not less than eight feet in width and whether or not the lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other centerline marking. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(K))

10.04.130 Operator or Driver.

"Operator" or "driver" means any person in actual physical control of a vehicle upon a public highway. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(L))

10.04.140 Pedestrian.

"Pedestrian" means any person afoot. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(M))

10.04.150 Private Road or Driveway.

"Private road or driveway" means every way or place in private ownership and used for travel of vehicles by the owner or those having permission from the owner, but not by other persons. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(N))

10.04.160 Public Highway.

"Public highway" means every way, lane, road, street, boulevard and place open as a matter of right to public vehicular traffic. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(O))

10.04.170 Roadway.

"Roadway" means the paved, improved, or proper driving portion of a public highway designed or ordinarily used for vehicular travel. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(P))

10.04.180 School Bus.

"School bus" means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the State Superintendent of Public Instruction, but not including buses operated by common carriers in urban transportation of school children. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(Q))

10.04.190 Sidewalk.

"Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians, or private property parallel and in proximity to a public highway and dedicated to use by pedestrians. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(R))

10.04.200 Traffic.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together, while using any public highway for purpose of travel. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(S))

10.04.210 Traffic-Control Devices and Official Traffic-Control Devices.

"Traffic-control devices and official traffic-control devices" means all signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(U))

10.04.220 Traffic-Control Signal.

"Traffic-control signal" means any traffic device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or is otherwise controlled. (Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(T))

10.04.230 Vehicle.

"Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Bicycles shall not be considered vehicles for purposes of PCC 10.12.020, 10.12.030, and 10.12.040. (Ord. 93-128 § 1, 1994; Ord. 84-116 § 1 (part), 1984; prior Code § 46.04.010(V))

Chapter 10.08

AUTHORITY TO REGULATE TRAFFIC

Sections:

10.08.010 Authority of County Engineer.

10.08.020 Authority of County Council.

10.08.010 Authority of County Engineer.

The County Engineer may place and maintain official traffic-control devices to regulate, warn or guide traffic; designate marks, lines and crosswalks; regulate the timing of traffic signals; erect stop signs, yield signs and no-parking signs; establish bus stops, bus stands and taxicab stands; impose weight and size restrictions; and test new or proposed traffic-control devices under actual conditions of traffic, all pursuant to the provisions of RCW 46.90.265, Sections 1, 2, 3, 5, 6, 7, 8, 9, 11, 13, 15, 16, 17, 18, 19, 22 and 23. (Ord. 84-118 § 2 (part), 1984; prior Code § 90.01.010)

10.08.020 Authority of County Council.

The County Council may by ordinance adopt additional requirements regulating the flow, direction and type of traffic permitted on County roads such as the setting of speed limits, designation of arterial highways, one-way highways, parking meter zones, parking on highways, angle parking and highway closures, pursuant to the provisions of RCW 46.90.270. (Ord. 84-118 § 2 (part), 1984; prior Code § 90.01.020)

Chapter 10.12

RULES OF THE ROAD

Sections:

10.12.010 State Regulations Adopted by Reference.

10.12.020 Driving While Under Influence of Intoxicating Liquor or Drugs.

10.12.030 Actual Physical Control of Motor Vehicle While Under Influence of Intoxicating Liquor or Drugs.

10.12.040 Driving or Being in Physical Control of Motor Vehicle While Under the Influence of Intoxicating Liquor or Drugs - Penalties.

10.12.050 Adopts Subsections to RCW Section 46.61.515.

Cross-reference: Chapter 46.61 RCW

10.12.010 State Regulations Adopted by Reference.

Those specific Sections of Chapter 46.61 of the Revised Code of Washington and any future amendments thereto which are not excluded as set forth below, are adopted by reference as Pierce County Code Chapter 10.12, entitled "Rules of the Road." Specific sections to be excluded are the following:

- A. 46.61.010 Required Obedience to Traffic Laws--Penalties (effective until January 1, 1981).
- B. 46.61.024 Attempting to Elude Pursuing Police Vehicles.
- C. 46.61.085 Traffic Control Signals or Devices Upon City Street Forming Part of State Highways--Approval by Commission Required.
- D. 46.61.400(2) Basic Rule and Maximum Limits.
- E. 46.61.515 Driving or Being in Physical Control of Motor Vehicle While Being Under the Influence of Intoxicating Liquor or Drug--Penalties--Penalty Assessments in Addition to Fines, etc.--Suspension or Revocation of Licenses--Appeal.
- F. 46.61.518 Penalty Assessments--Disposition of Gross Proceeds.
- G. 46.61.520 Negligent Homicide by Motor Vehicle--Penalty.
- H. 46.61.570 Stopping, Standing, or Parking Prohibited in Specified Places--Reserving Portion of Highway Prohibited.
- I. 46.61.575 Additional Parking Regulations.
- J. 46.61.990 Recodification of Sections--Organization of Chapter--Construction.

(Ord. 84-70 § 1, 1984; Res. 22634 § 3, 1981)

10.12.020 Driving While Under Influence of Intoxicating Liquor or Drugs.

- A. A person is guilty of driving while under the influence of intoxicating liquor or any drug if he/she drives a vehicle within the County while:
 - 1. He/she has 0.10 percent or more by weight of alcohol in his/her blood as shown by chemical analysis of his/her breath, blood, or other bodily substance made pursuant to the provisions of RCW 46.61.506 as now or hereafter amended; or
 - 2. He/she is under the influence of or affected by intoxicating liquor or any drug; or
 - 3. He/she is under the combined influence of or affected by intoxicating liquor and any drug.

- B. The fact that any person charged with a violation of this Section is or has been entitled to use such drug under the laws of the state shall not constitute a defense against any charge of violating this Section.

(Ord. 83-18 § 4, 1983; prior Code 46.61.502)

10.12.030 Actual Physical Control of Motor Vehicle While Under Influence of Intoxicating Liquor or Drugs.

- A. A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if he/she has actual physical control of a vehicle within the County while:
 - 1. He/she has a 0.10 percent or more by weight of alcohol in his/her blood as shown by chemical analysis of his/her breath, blood or other bodily substance made pursuant to the provisions of RCW 46.61.506 as now or hereafter amended; or
 - 2. He/she is under the influence of or affected by intoxicating liquor or any drug; or
 - 3. He/she is under the combined influence of or affected by intoxicating liquor and any drug.
- B. The fact that any person charged with a violation of this Section is or has been entitled to use such drug under the laws of the state shall not constitute a defense against any charge of violating this Section. No person may be convicted under this Section if, prior to being pursued by a law enforcement officer, he has moved the vehicle safely off the roadway.

(Ord. 83-18 § 5, 1983; prior Code § 46.61.504)

10.12.040 Driving or Being in Physical Control of Motor Vehicle While Under the Influence of Intoxicating Liquor or Drugs - Penalties.

- A. Every person who is convicted of violation of Section 10.12.020 or Section 10.12.030 shall be punished by imprisonment for not less than 24 consecutive hours nor more than one year, and by a fine of not more than \$500.00. The person shall, in addition, be required to complete a course at an alcohol information school approved by the Department of Social and Health Services. If, after completing an alcohol evaluation at the alcohol information school, the convicted person is found to have a serious alcohol problem, the alcohol information school may recommend more intensive alcoholism treatment in a program approved by the Department of Social and Health Services. In the alternative, the court may bypass alcohol information school if the court determines that more intensive alcoholism treatment in a program approved by the Department of Social and Health Services is appropriate. Standards for approval shall be prescribed by rule under the Administrative Procedure Act, RCW Chapter 34.04. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions. Twenty-four consecutive hours of jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate.

- B. On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a 5-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine not more than \$1,000.00. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever he mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be 90 days in jail and a \$200.00 fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete diagnostic evaluation at an alcoholism program approved by the Department of Social and Health Services or other diagnostic evaluation as the court designates. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding 180 days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(Ord. 83-18 § 6, 1983; prior Code § 46.61.515)

10.12.050 Adopts Subsections to RCW Section 46.61.515.

Those specific consecutive subsections of RCW 46.61.515 and any future amendments thereto which are not excluded as set forth in this Section are herein included and adopted by reference as consecutive subsections C., D., E. and F. to Section 10.12.040. Specific subsections of RCW 46.61.515 hereby excluded from this Code are RCW 46.61.515(1) and (2). (Ord. 83-18 § 7, 1983)

Chapter 10.20

VEHICLE EQUIPMENT

Sections:

10.20.010 Activation by Compression of Engine Prohibited.

10.20.020 When Tire Chains Required.

10.20.010 Activation by Compression of Engine Prohibited.

A. The use of brakes which are in any way activated or operated by the compression of the engine of a motor vehicle or of any unit or part thereof is prohibited on those parts of County roads which are posted with signs prohibiting use of such brakes.

B. The violation of any provision of this Chapter constitutes a misdemeanor.

(Ord. 84-117 § 1, 1984; prior Code §§ 46.05.020, 46.05.030)

10.20.020 When Tire Chains Required.

A. It is unlawful for any person to operate a motor vehicle upon any County road of Pierce County, without approved traction devices when said County road is posted with signs requiring the use of approved traction devices on motor vehicles using said County road.

B. The violation of any provision of this Chapter constitutes a misdemeanor.

(Ord. 84-162 § 1, 1984; prior Code §§ 46.06.020, 46.06.030)

Chapter 10.22

BICYCLE HELMETS

Sections:

10.22.010 Definitions.

10.22.020 Bicycle Helmet Required.

10.22.030 Bicycle Races and Events - Bicycle Helmet Required.

10.22.040 Bicycle Leasing or Loan - Bicycle Helmet Required.

10.22.050 Helmet Sales - Safety Standards.

10.22.060 Penalties - Traffic Infraction.

10.22.070 Enforcement.

10.22.080 Information and Education.

10.22.090 Severability.

10.22.010 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

- A. "Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels, either of which is 16 inches or more in diameter, or three wheels, any one of which is more than 20 inches in diameter (RCW 46.04.071). Within this Chapter, the term "bicycle" shall include any attached trailers, side cars, and/or other device being towed by a bicycle.
- B. "Guardian" means a parent, legal guardian, an adult with custody, or temporary guardian, who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of 18 years.
- C. "Helmet" means a head covering that meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Foundation, or such subsequent nationally-recognized standard for bicycle helmet performance as the County Council may adopt.
- D. "Public area" means public roadways, bicycle paths, parks, or any right-of-way or publicly-owned facility under the jurisdiction of Pierce County.

(Ord. 93-128 § 2 (part), 1994)

10.22.020 Bicycle Helmet Required.

- A. Any person bicycling or riding as a bicycle passenger on or in tow of a bicycle upon any public area in unincorporated Pierce County shall wear an approved bicycle helmet designed for safety that meets or exceeds the standards adopted in Section 10.22.010 C., and shall have either the neck or chin strap of the helmet fastened securely while the bicycle is in motion.
- B. No person shall transport another person on or in tow of a bicycle upon any public area in the jurisdiction of Pierce County, unless the passenger is wearing a helmet that meets the requirements of this Chapter.

- C. A parent or guardian is responsible for requiring that a child under the age of 16 years wears an approved bicycle helmet while bicycling or riding as a passenger on a bicycle in any public area in unincorporated Pierce County, and has the neck or chin strap of the helmet fastened securely.

(Ord. 93-128 § 2 (part), 1994)

10.22.030 Bicycle Races and Events - Bicycle Helmet Required.

- A. Any person managing a bicycle race, an organized event involving bicycling, or a bicycle tour in the public areas of unincorporated Pierce County shall require that all participants on or in tow of bicycles wear approved bicycle helmets.
- B. The person managing any such event shall include the bicycle helmet requirement in any promotional brochures and on registration materials.

(Ord. 93-128 § 2 (part), 1994)

10.22.040 Bicycle Leasing or Loan - Bicycle Helmet Required.

- A. Any person engaging in the business of renting or loaning (e.g. "a test drive") any bicycle for use in any public place in unincorporated Pierce County shall supply the persons leasing or using bicycles with approved bicycle helmets as defined herein, along with the bicycles, unless the bicycle riders and passengers possess approved bicycle helmets of their own, and offer proof thereof, for use with the bicycle.
- B. The rental papers (contract, agreement, or receipt) must advise the person renting the bicycle of the bicycle helmet requirements of this Chapter.
- C. It is a defense to this Section for a person wearing an unapproved bicycle helmet that the helmet was furnished in conjunction with his or her lease of a bicycle by a person engaged in the business of renting bicycles, and that the helmet was fastened securely while bicycling.

(Ord. 93-128 § 2 (part), 1994)

10.22.050 Helmet Sales - Safety Standards.

- A. No person shall sell or offer for sale a bicycle helmet that does not meet or exceed the safety standards set by the American National Standards Institute (ANSI) Standard Z-90.4, or the Snell Foundation, or such subsequent nationally recognized standard for bicycle helmet performance as the County Council may adopt.
- B. It is a defense that the sale or offer for sale was an isolated sale of used merchandise made by an individual who was not engaged in the business of selling or repairing recreational equipment, such as a seller at a garage or rummage sale.

(Ord. 93-128 § 2 (part), 1994)

10.22.060 Penalties - Traffic Infraction.

- A. Any person violating any of the provisions of this Chapter shall have committed a traffic infraction and shall be liable for monetary penalties as set forth in RCW 46.63, not to exceed \$25.00.
- B. The Court may waive, reduce, or suspend the penalty and clear the notice of violation as a warning for an individual who has not received a notice of violation of this Chapter within one year, and provides proof that he or she has acquired an approved bicycle helmet at the time of appearance in Court.
- C. Each child under 16 not meeting the requirements of Section 10.22.020 shall represent a separate violation.

D. Each rental and each event under Section 10.22.040 shall be a separate violation.
(Ord. 93-128 § 2 (part), 1994)

10.22.070 Enforcement.

- A. The County Sheriff's Office shall be responsible to enforce the provisions of this Chapter.
- B. For the purpose of this Chapter, law enforcement officers may at their discretion:
 - 1. Enter, during business hours, the premises of a business selling, repairing, or renting bicycles or selling sporting or recreation equipment, to determine compliance with this Chapter;
 - 2. Post notice outside the premises of a business that offers for sale, rent, or other public use, bicycle helmets that do not meet the safety standards of this Chapter, so that the public is informed; and
 - 3. Stop a bicycle race, an organized event involving bicycling, or a bicycle tour that takes place in a public area, when there is conspicuous disregard for the requirements of this Chapter, involving multiple infractions.

(Ord. 93-128 § 2 (part), 1994)

10.22.080 Information and Education.

- A. Information about the need for bicycle helmets, safe helmet use, safe bicycle operation, and existing bicycle safety programs is available at the Pierce County Parks and Recreation Department.
- B. Pierce County encourages any person engaging in the business of selling bicycles to include information on bicycle safety and the bicycle helmet requirements of this Chapter with each bicycle sold.
- C. Pierce County encourages any person engaging in the business of selling bicycle helmets to include information on safe helmet usage with each helmet sold.

(Ord. 93-128 § 2 (part), 1994)

10.22.090 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 93-128 § 2 (part), 1994)

Chapter 10.24

PARKING

Sections:

- 10.24.010 Stopping, Standing or Parking Prohibited in Specified Places.**
- 10.24.020 Parking in Roadway.**
- 10.24.030 Parking in Alleys.**
- 10.24.040 Parking for Certain Purposes Prohibited.**
- 10.24.050 Parking Prohibited on Narrow Streets.**
- 10.24.055 Parking Prohibited on Narrow Streets in Small Lot Developments.**
- 10.24.060 Angle Parking.**
- 10.24.070 Additional Parking Regulations.**
- 10.24.080 Notice on Illegally Parked Vehicle.**
- 10.24.090 Failure to Comply With Notice Attached to Parked Vehicle.**
- 10.24.100 Presumption in Reference to Illegal Parking.**
- 10.24.110 Penalty for Violation.**
- 10.24.120 Impoundment Authorized.**

10.24.010 Stopping, Standing or Parking Prohibited in Specified Places.

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:

- A. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- B. On a sidewalk or street planting strip;
- C. Within an intersection;
- D. On a crosswalk;
- E. Between a 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;
- F. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- G. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- H. On any railroad tracks;
- I. At any place where official signs prohibit stopping;
- J. Directly adjacent to curbside, clearly visible, residential mail boxes between 10 a.m. and 3 p.m. on all days of scheduled mail delivery by the United States postal service;
- K. In any parking place or area designated as handicapped parking by displaying the international blue and white handicapped symbol of a wheelchair as described in RCW 70.92.120; provided, that it shall not be a violation of this Chapter to stand, stop or park a vehicle in a place or area so designated when the vehicle clearly displays the handicapped symbol on a license plate, window decal or card as provided by RCW 46.16.380. A person charged with a violation hereof shall not be determined to have committed a violation if he produces in court or prior to the court appearance the special plate, special card or special decal required hereunder or demonstrates he was entitled to the same at the time of being ticketed.

(Ord. 82-104, 1982; Res. 22271 (part), 1980; prior Code § 46.14.010)

10.24.020 Parking in Roadway.

- A. No person may park or leave standing any vehicle, whether attended or unattended, upon the roadway.
- B. Subsection A. of this Section does not apply to the driver of any vehicle that is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle.
- C. Subsection A. of this Section does not apply to the driver of either a properly marked school bus or a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a school or marked transit vehicle stop zone.

(Ord. 89-36 § 2, 1989)

10.24.030 Parking in Alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than eight feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. (Res. 22271 (part), 1980; prior Code § 46.14.030)

10.24.040 Parking for Certain Purposes Prohibited.

No person shall park a vehicle upon a roadway for the principal purpose of:

- A. Displaying such vehicle for sale or for advertising services for vehicles;
- B. Washing, greasing or repairing such vehicle except repairs necessitated by emergency.

(Res. 22271 (part), 1980; prior Code § 46.14.040)

10.24.050 Parking Prohibited on Narrow Streets.

- A. When the width of an improved roadway does not exceed 20 feet, the Pierce County Department of Public Works is authorized to erect signs indicating no parking upon both sides of such street. When the width of the improved roadway is between 20 and 28 feet, the Department of Public Works is authorized to erect a sign indicating no parking upon one side of the street.
- B. When official signs prohibiting parking are erected upon narrow streets as provided in this Section, no person shall park a vehicle upon any such street in violation of any sign.

(Res. 22271 (part), 1980; prior Code § 46.14.050)

10.24.055 Parking Prohibited on Narrow Streets in Small Lot Developments.

- A. In developments constructed pursuant to the Small Lot Design Standards in Chapter 18J.17, signs shall be erected indicating no parking as follows:
 - 1. For access lanes of 20 feet in width, signs shall be erected indicating no parking on both sides of the street.
 - 2. For neighborhood streets of 28 feet in width, signs shall be erected indicating no parking on one side of the street.
- B. When official signs prohibiting parking are erected upon narrow streets as provided in this Section, no person shall park a vehicle upon any such street in violation of any sign.

- C. Any vehicle parked in violation of this Section shall be declared to be an unauthorized vehicle and subject to immediate impoundment by a registered tow truck operator at the direction of a law enforcement officer or public official of Pierce County having jurisdiction over the public property on which the vehicle is parked.

(Ord. 2004-27s2 § 1 (part), 2004)

10.24.060 Angle Parking.

The Pierce County Engineer, in his or her discretion, may allow angle parking on Pierce County roadways as authorized pursuant to RCW 46.61.575 as now enacted or hereafter amended. (Ord. 87-36 § 2, 1987)

10.24.070 Additional Parking Regulations.

- A. Except as otherwise provided in this Section, every vehicle stopped or parked upon a 2-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of the roadway.
- B. Except when otherwise provided in this Section, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.
- C. The State Highway Commission with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where, in its opinion, as evidenced by resolution or order, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restriction stated on such signs.

(Res. 22271 (part), 1980; prior Code § 46.14.070)

10.24.080 Notice on Illegally Parked Vehicle.

Whenever any motor vehicle without operator is found parked, angle-parked or stopped in violation of any of the restrictions imposed in this Chapter, the officer finding such vehicle shall record its license number and may take any other information displayed on the vehicle which may identify its operator or owner, and shall conspicuously affix to such vehicle notice in writing for the operator or owner to answer to the charge against him within 15 days at a place specified in the notice. The officer shall deposit the complaint and the abstract of court record copy of such traffic complaint and citation with the District Court of the district having jurisdiction over the offense. (Ord. 84-124 § 1, (part), 1984; Res. 22271 (part), 1980; prior Code § 46.14.080)

10.24.090 Failure to Comply With Notice Attached to Parked Vehicle.

If the operator or owner in violation of the restriction on stopping, standing or parking does not appear in response to a notice affixed to such motor vehicle within a period of 15 days, the Clerk of the Court shall send to the operator or owner of the motor vehicle to which the notice was affixed a letter informing him of the violations and warning him that in the event such a letter is disregarded for a period of 14 days, a warrant of arrest will be issued. The Court shall issue the warrant for the arrest of any defendant who has failed to appear before the Court either in person or by counsel in answer to such notice and letter within 15 days from the date of mailing. (Ord. 82-124 § 1, (part), 1984; Res. 22271 (part), 1980; prior Code § 46.14.090)

10.24.100 Presumption in Reference to Illegal Parking.

- A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking a registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.
- B. The presumption stated in subsection A. of this Section shall apply only when the procedure prescribed in Section 10.24.080 has been followed.

(Res. 22271 (part), 1980; prior Code § 46.14.100)

10.24.110 Penalty for Violation.

Any violation or failure to comply with any provisions of this Chapter shall be deemed a traffic infraction. There shall be imposed a penalty of \$25.00 upon failure of any defendant to respond within 15 days from the date of mailing of the notice of traffic infraction relating to parking. This penalty shall be in addition to any penalty imposed for the traffic infraction. As provided by RCW 46.63.110, this penalty is not subject to statutory assessment applicable to traffic offenses. (Ord. 84-124 § 1 (part), 1984; Res. 22271 (part), 1980; prior Code § 46.14.120)

10.24.120 Impoundment Authorized.

In addition to any other penalty provided by this Chapter, the vehicle in violation of this Chapter may be subject to impoundment as provided by RCW 46.55 as now enacted or as subsequently amended. (Ord. 2004-27s2 § 1 (part), 2004)

Chapter 10.28

MOVEMENT OF OVERLEGAL LOADS ON ROADS AND HIGHWAYS

Sections:

10.28.010 RCW Provisions Incorporated by Reference.

10.28.020 Highway Commission Regulations Govern Issuance of Permits.

10.28.030 Overlegal Loads - Permits Required.

10.28.040 Permits Issued - Categories.

10.28.050 Permits for Moving Buildings.

10.28.060 Escort Cars.

10.28.065 Escort Cars – When Required.

10.28.070 Equipment.

10.28.080 Requirements for Daylight and Darkness Moves.

10.28.090 Permits for Single Trips.

10.28.100 Annual Permits.

10.28.105 Permit Fees.

10.28.110 Penalties for Violations.

10.28.120 Forfeitures.

10.28.010 RCW Provisions Incorporated by Reference.

The specifications regarding overlegal loads set forth in RCW Chapter 46.44 or as amended in this Chapter are incorporated by reference and applicable as if set out verbatim. (Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.010)

10.28.020 Highway Commission Regulations Govern Issuance of Permits.

The provisions set forth in the publication "Washington State Commercial Vehicle Guide," issued by the Washington State Department of Transportation, revised 2002-2003 edition and any subsequent revisions, will govern the issuance of permits for overlegal loads not otherwise covered in this Chapter. (Ord. 2005-118 § 1 (part), 2006; Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.020)

10.28.030 Overlegal Loads - Permits Required.

All moves of overlegal loads on the streets, roads and highways of Pierce County shall require permits. (Ord. 2005-118 § 1 (part), 2006; Ord. 85-55 § 1 (part), 1985; prior Code 46.50.030)

10.28.040 Permits Issued - Categories.

Permits will be issued by the Department of Public Works and Utilities, Transportation Services, to cover all overlegal, in either size or weight, moves within the County. These moves fall into the following categories:

- A. Equipment moves -- single trips, including but not limited to trailers and mobile homes over eight and one-half feet wide;
- B. Equipment moves -- multiple trips on a per-year basis; loads not to exceed 14 feet wide and/or 15 feet high, lengths not limited except by escort car requirements;
- C. Building moves.

(Ord. 2005-118 § 1 (part), 2006; Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.040)

10.28.050 Permits for Moving Buildings.

- A. No permit to move a building over 14 feet wide or requiring the use of dollies shall be issued except to authorized house movers. An authorized house mover is defined as one who has submitted a certificate of liability insurance with Pierce County as an additional named insured and in good standing with Pierce County. Liability insurance shall be in amounts not less than \$1,000,000.00 or a greater amount as set by the Executive or her/his designee, to the end that Pierce County will not have to defend or pay any claims brought as a result of the house or building moving operation. The certificate of liability insurance is to be executed by an insurance agent authorized to do business in the state of Washington, on a form furnished by the County.
- B. Before a permit will be issued, the building mover must submit an application to the Department of Public Works and Utilities, Transportation Services, which shall include all of the following:
 - 1. Type of building to be moved;
 - 2. Present location of building;
 - 3. Proposed new location of building;
 - 4. Proposed route over which it is to move;
 - 5. Building permit number if building is to be located in Pierce County;
 - 6. Date(s) of move;
 - 7. Vehicle description and license plate number for each vehicle, dolly and trailer;
 - 8. Dimensions of building when loaded including all eaves, porches, etc., if attached during movement; and
 - 9. Such other information which may aid the Department in determining whether or not to approve such application.
- C. Movement of buildings over 14 feet wide is prohibited on Fridays after 3 p.m.; on holidays observed by the County; and during the afternoon of the day preceding said holiday.
- D. All moves and time of moves must be approved by the Department of Public Works and Utilities, Transportation Services.
- E. It shall be the responsibility of the building mover to:
 - 1. Inspect the proposed route of each move before the application is made;
 - 2. Contact utility companies regarding the moving of wires, poles and/or other obstacles of a similar nature when required;
 - 3. Notify the Pierce County Sheriff Department, Traffic Control Section and the Public Works traffic signal shop of the time of move for coordination of traffic and surveillance of traffic-control devices, both signs and signals;
 - 4. Notify all fire districts into or through which the move will be made; and
 - 5. Obtain permission from the appropriate authorities when the move is to pass through an incorporated area or on a state highway.

(Ord. 2005-118 § 1 (part), 2006; Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.050)

10.28.060 Escort Cars.

- A. The permit holder or subcontractor shall furnish all escort cars. Escort cars may be passenger cars or 2-axle trucks.
- B. Escort cars shall be of such design as to afford the driver clear and unobstructed vision both front and rear, be in a safe operational condition and properly licensed. Escort car operators shall be experienced in the operation of escort cars and unnecessary passengers who could distract operators in escort vehicles shall not be permitted.

- C. When required, escort cars will travel at a distance of approximately 350 feet to 800 feet in front of and to the rear of the load, or at such reasonable distance as to insure the maximum security to the traveling public.
- D. When dictated by hazardous conditions, the escort car driver will act as flag person for traffic-control and will signal by hand or by radio to the towing vehicle driver when he/she can proceed without conflict with approaching traffic. The driver of the rear escort car will act as flag person when hazardous conditions exist, and in turning movements will advise the towing vehicle driver as to clearance and accumulations of overtaking traffic, so the driver can provide an opportunity to pass.
- E. Escort car operators shall be properly licensed to operate the vehicle. When uniformed off-duty law enforcement officers act as escorts using official police cars or motorcycles, the preceding escort car requirements shall not be applicable.
- F. Two six-inch minimum flashing amber lights or a single rotating flashing beacon will be displayed on the top, above the roofline of escort cars and plainly visible, and shall meet SAE Standard Specifications (SAE J59 5b). These amber lights will operate at all times during movement of oversize units.

(Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.060)

10.28.065 Escort Cars – When Required.

An escort vehicle and operator must comply with the requirements of WAC 468-38-110 Escort Vehicle requirements. Escort vehicles are required when:

- A. Vehicle(s) or load is over 11 feet in width; escort cars (both front and rear) are required on all two-lane roads.
- B. Vehicle(s) or load is over 14 feet wide; one rear escort vehicle is required on multiple-lane roads.
- C. Overall length of load, including vehicle(s), exceeds 100 feet or when rear overhang of load measured from the last axle exceeds one-third of the total length, one rear escort vehicle is required on two-lane roads.
- D. Overall length of load, including vehicle(s), exceeds 140 feet, one rear escort vehicle is required on multiple-lane roads.
- E. Loads exceed 14 feet and 6 inches high, one escort vehicle is required in front. If the load(s) exceed 15 feet high, the escort vehicle must be equipped with a height pole. The Department does not guarantee height clearances; therefore, on any route where the height is in question, a front escort vehicle equipped with a height pole should be used.

(Ord. 2005-118 § 1 (part), 2006)

10.28.070 Equipment.

- A. Only equipment that has been authorized for moving operations within the County shall be used. All equipment must comply with the equipment requirements of the Washington State Motor Vehicle Laws.
- B. Any equipment which breaks down and causes undue delay or any equipment breakdown which occurs frequently is just cause for the Pierce County Public Works Director or her/his designee to rule against further use of such equipment. Such condemned equipment shall not be used until repaired by the mover and repairs are approved by the Director or her/his designee.
- C. All dollies shall be licensed and covered by liability insurance. Spare tires or wheels for all dollies will be carried on each move.

- D. The towing truck shall have adequate power to start and pull the building being moved on upgrades of 5 percent. For grades greater than 5 percent, additional power may be used in the form of a tow at the front of the operation. On downgrades greater than 5 percent extra braking power may be provided in the form of a hold-back truck in the rear.
- E. A second towing truck will be available on each move on an arterial street, capable of continuing the move should the first unit have a breakdown. Should the need arise for outside help to continue the move, the escort officer shall call any outside source available and the cost of such extra help shall be paid by the mover.
- F. Tire and axle loading shall comply with Washington State Motor Vehicle load limits.
- G. A fifth wheel type suspension with two nonsteering dollies will be acceptable for buildings which do not exceed 46 feet overall in length. Longer buildings will be moved on steering dollies because of the need for maneuverability.

(Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.090)

10.28.080 Requirements for Daylight and Darkness Moves.

- A. The hours and conditions of visibility during which the move is to be allowed will be as indicated on the permit. All oversize loads shall be moved during daylight hours, between one-half hour before sunrise to one-half hour after sundown. Any moves during hours other than daylight hours shall be allowed only at the discretion of the Director of Public Works or her/his designee. Additional requirements may be set for such moves.
- B. Wide loads moved during hours of daylight shall display the prescribed 144-square-inch red-colored flag on each corner.

(Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.100)

10.28.090 Permits for Single Trips.

- A. A permit will be required on a single trip basis for each overlegal load for those who do not have an annual permit.
- B. The form will be the same as that used for the authorization of house or building movements and the Public Works Director or her/his designee may, in her/his discretion, promulgate any rules and regulations as may be considered essential to the best interest of the County. Any such special requirements as may be deemed necessary shall be incorporated into the permit at the time of issuance and made an integral part thereof.
- C. Annual permit holders must take out a single trip permit for each load which exceeds one or more of the annual permit limitations.
- D. The applicant must submit an application for a permit prior to obtaining said permit.
- E. The Public Works Director or her/his designee shall require that each applicant execute an insurance affidavit or submit such other proof of sufficient liability coverage with limits of not less than \$750,000.00 or a greater amount as set by the Executive or her/his designee. The certificate of insurance must be provided by an insurance representative authorized to do business in the State of Washington.

(Ord. 2005-118 § 1 (part), 2006; Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.120)

10.28.100 Annual Permits.

- A. Annual permits will be issued only to move mobile homes, trailer homes, construction equipment, and farming equipment. The annual permit allows the mover to make as many moves as necessary during the calendar year. The loads shall not exceed certain limitations. These limitations are the same for all annual permits regardless of the nature of the load. These limitations are:
 - 1. Gross weight: equal to maximum allowed by State of Washington special permits;
 - 2. Overall height: 15 feet;
 - 3. Overall width: 14 feet;
 - 4. Overall length restricted only by the escort car requirements and by length noted on application;
 - 5. Overhang is not limited except by overall length specified above;
 - 6. Weight limited to maximum axle loadings and gross weight permitted by the special permit regulations of the Washington State Highway Commission;
 - 7. Special bridge restrictions.
- B. The Pierce County motor vehicle permit form is to be used for all overlegal loads. It will be necessary for issuing personnel to insert the limits listed in items 1. through 7. of subsection A. on the face of each annual permit issued.

(Ord. 2005-118 § 1 (part), 2006; Ord. 89-6 § 1, 1989; Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.130)

10.28.105 Permit Fees

The following fees shall be paid for all movements of overlegal loads permitted under this Chapter. Said fees are to provide reimbursement to the Department of Public Works and Utilities, Transportation Services, for administrative and other costs and expenses of processing permits.

Overdimension Single Trip.....	\$ 10.00
Overdimension Annual Permit	\$ 100.00
Movement of Buildings over 14 feet wide. Single Trip Only	\$ 100.00

(Ord. 2005-118 § 1 (part), 2006)

10.28.110 Penalties for Violations.

Every person convicted of a violation of this Chapter shall be guilty of a misdemeanor. (Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.160)

10.28.120 Forfeitures.

All violations are forfeitable upon recommendation of the Prosecuting Attorney and with concurrence of the court. (Ord. 85-55 § 1 (part), 1985; prior Code § 46.50.170)

Chapter 10.36

FERRY LOAD LIMITS

Sections:

10.36.010 Limits Established.

10.36.020 Signs Posted.

10.36.030 Penalty for Violation.

10.36.010 Limits Established.

- A. When the ferry boat "M/V Steilacoom" is in operation, the maximum vehicle length shall be 38 feet, the maximum vehicle height shall be 13 feet 6 inches, the maximum vehicle width shall be 8 feet, and the maximum load limit shall be 67,500 pounds.
- B. All legal loads and lengths as permitted and as set forth in RCW 46.44.041 and RCW 46.44.030 shall be allowed on the Anderson Island ferry landing.
- C. All legal loads and lengths as permitted and as set forth in RCW 46.44.041 and RCW 46.44.030 shall be allowed on the Ketron Island ferry landing.
- D. All legal loads and lengths as permitted and as set forth in RCW 46.44.041 and RCW 46.44.030 shall be allowed on the Steilacoom ferry landing.

(Ord. 2002-128 § 1, 2003; Ord. 89-112 § 1 (part), 1989; Ord. 85-39 § 2 (part), 1985; prior Code § 46.11.010)

10.36.020 Signs Posted.

Appropriate signs shall be placed on each ferry and landing indicating the maximum weight, height, width, and overall length allowed on the ferry or landing (if less than legal weights and lengths). The officers and employees operating the ferry or landing are authorized to prohibit any vehicle on the ferry or landing which exceeds the weight, height, width, and/or length restrictions. (Ord. 89-112 § 1 (part), 1989; Ord. 85-39 § 2 (part), 1985; prior Code § 46.11.020)

10.36.030 Penalty for Violation.

Any violation of this Chapter constitutes a misdemeanor. (Ord. 89-112 § 1 (part), 1989; Ord. 85-39 § 2 (part), 1985; prior Code § 46.11.030)

Chapter 10.38

FERRY FARES

Section:

10.38.010 Passenger and Vehicle Fares.

10.38.010 Passenger and Vehicle Fares (1)(9).

A. Passenger (in vehicle or walk on):

1. Adult (age 19 and older).....	\$	5.00
2. Senior or Disabled Citizen (2).....	\$	2.50
3. Commuter Passenger (5 roundtrips) (3)	\$	20.00
4. Children under age 6		Free
5. Youth (ages 6 through 18).....	\$	3.40

	<u>Non-Peak (4)</u> <u>Season</u>	<u>Peak (5)</u> <u>Season</u>
B. Vehicle (Includes Driver) (6)		
Up to and including 21 foot length.....	\$ 16.80	\$ 21.00
Up to and including 21 foot length – Commuter (5 round trips) (3)	\$ 67.15	\$ 67.15
Up to and including 21 foot length – Senior or Disabled Citizen (2).....	\$ 14.00	\$ 17.55
Over 21 feet to under 30 feet.....	\$ 34.00	\$ 42.50
30 feet to under 40 feet.....	\$ 54.15	\$ 67.70
40 feet to under 50 feet.....	\$ 72.25	\$ 90.30
50 feet to under 60 feet.....	\$ 90.30	\$112.85
60 feet to under 70 feet.....	\$108.35	\$135.45
70 feet to under 80 feet.....	\$132.75	\$165.95
80 feet to under 90 feet (10)	\$157.20	\$196.50
90 feet and greater (10)	\$185.90	\$232.35
Motorcycle/Stowage (Includes Driver) (7)	\$ 9.05	\$ 11.30
Motorcycle Commuter (5 round trips) (3).....	\$ 36.10	\$ 36.10
3-Wheel Vehicle (9)	\$ 10.60	\$ 13.30
Bicycle (No cost. Included with passenger fare. One bicycle per passenger.)		

C. Footnotes to Tables. This subsection pertains to the parenthetical numbers in subsections A. and B. above.

- (1) All fares are round-trip and collected outbound at Steilacoom, and become effective January 1, 2012. Unused tickets issued prior to January 1, 2012, are valid through February 15, 2012. Existing commuter tickets are valid until expiration date indicated on each ticket. Refunds for unused tickets shall be per the written policy of the Public Works and Utilities Department.
- (2) Senior citizens, age 65 or older, must show proof of age with valid photo identification or present a Regional Reduced Fare permit. Disabled passengers must present valid disability identification at the time of boarding. Valid disability requires one of the following:

- a. A Regional Reduced Fare permit.
 - b. A certification by the Veterans Administration that the person is at a 40 percent or greater disability level.
 - c. A regional ADA Paratransit card, or
 - d. A Medicare card.
- (3)** Commuter tickets are valid for 40 days from the date of purchase, and after 40 days the tickets are invalid. Commuter tickets may be used by only one person per vehicle per trip. Tickets may not be used for other vehicles or persons waiting to board the ferry.
 - (4)** Non-Peak season rates are in effect from October 1 through April 30 of each year.
 - (5)** Peak season rates are in effect from May 1 through September 30 of each year.
 - (6)** Vehicle length is measured from furthest protruding item at the front and/or top of the vehicle to the furthest protruding item at the rear and/or top of the vehicle and/or trailer. Logging trucks, whether loaded or unloaded, will be charged under the 50 feet to under 60 feet category.
 - (7)** Large carry-on items including kayaks, canoes, and other items of comparable size, which are typically stowed on the vehicle deck of the vessel, shall be charged at the motorcycle rate. This rate includes the fare for the walk-on passenger carrying the item to be stowed.
 - (8)** Any vehicle with a total width exceeding 11 feet, measured from furthest protruding item at each side of the vehicle, shall be charged twice the normal rate.
 - (9)** A 3-wheel vehicle is any motorcycle with a trailer or sidecar or any vehicle licensed as a motorcycle with three or more wheels.
 - (10)** Vehicles 80 feet or longer or over 11 feet in width must schedule their departure time in advance.

(Ord. 2011-79 § 1, 2011; Ord. 2009-91s § 4, 2009; Ord. 2007-94s § 1, 2007; Ord. 2005-87s § 3, 2005)

Chapter 10.40

SPEED LIMITS ON COUNTY ROADS

Sections:

10.40.010 Maximum Speed Limit of Twenty-Five Miles Per Hour Unless Otherwise Posted.

10.40.020 County Engineer to Maintain List of Certain County Roads With Designated Speed Limits.

10.40.030 Traffic-Control Devices.

10.40.040 School Zones.

10.40.050 Infractions and Penalties.

Cross-references: RCW 46.61.400, 46.61.415 and 46.61.440; Chapter 46.63 RCW

10.40.010 Maximum Speed Limit of Twenty-Five Miles Per Hour Unless Otherwise Posted.

The maximum speed limit for all County roads is established as 25 miles per hour except where a lower or greater maximum lawful speed is established by County ordinance or by State statute. (Ord. 85-144 § 1 (part), 1985)

10.40.020 County Engineer to Maintain List of Certain County Roads With Designated Speed Limits.

The County Engineer shall maintain a list of certain County roads with a designation of the maximum speed limits thereon as established by ordinance of the Pierce County Council. The list shall be kept on file in the offices of the County Engineer. Said list shall be made available to the public during all normal business hours. The maximum speed limit on all County roads not included in the listing is 25 miles per hour as specified in Section 10.40.010. (Ord. 89-150 § 1 (part), 1989; Ord 87-79 § 1, 1987; Ord. 85-144 § 1 (part), 1985)

10.40.030 Traffic-Control Devices.

The County Engineer is directed to post County roads with the proper traffic-control devices to regulate the maximum speed limits as adopted by ordinance and said speed limits shall become effective when posted. The maximum legal speed limit on any county road or portion thereof which is not posted with a regulatory speed limit sign is 25 miles per hour. (Ord. 89-150 § 1 (part), 1989; Ord. 85-144 § 1 (part), 1985)

10.40.040 School Zones.

The County Engineer is directed to mark school zone speed limits as established by RCW 46.61.440. (Ord. 85-144 § 1 (part), 1985)

10.40.050 Infractions and Penalties.

Any person traveling on any County road at a speed in excess of the maximum speed limit shall have committed a traffic infraction and shall be liable for monetary penalties as set forth in RCW Chapter 46.63. (Ord. 85-144 § 1 (part), 1985)

Chapter 10.42

AUTHORIZED USE OF AUTOMATED TRAFFIC SAFETY CAMERAS

Sections:

- 10.42.010 Automated Traffic Safety Cameras Authorized.**
- 10.42.020 Notice of Infraction.**
- 10.42.030 Signage.**
- 10.42.040 Warning Period(s).**
- 10.42.050 Monetary Penalties.**
- 10.42.060 Compensation for Services.**
- 10.42.070 Authorized for Use of Electronic Signatures.**

10.42.010 Automated Traffic Safety Cameras Authorized.

The use of automated traffic safety cameras to detect a violation of the RCW Sections adopted by reference in WAC 308-330-421 is authorized at intersections where two arterial roadways intersect, or meet, subject to the restrictions specified in state law (RCW 46.63.170).

- A. Law enforcement officers of Pierce County and any other persons commissioned by the Sheriff of Pierce County are authorized to use automated traffic cameras and related automated systems to detect stoplight violations.
- B. The use of automated traffic safety cameras is subject to the following restrictions:
 - 1. Use of traffic safety cameras is restricted to two arterial intersections;
 - 2. Automated traffic safety cameras may only take pictures and video images of the vehicle and vehicle license plate and only while an infraction is occurring. Pictures and video images taken by automated traffic safety cameras may not reveal the face of the driver or of the passengers in the vehicle.
 - 3. Authorization is limited for up to six automated traffic safety cameras.

(Ord. 2008-83s2 § 2 (part), 2008)

10.42.020 Notice of Infraction.

- A. Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address under this Section.
- B. If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction is issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within 18 days of receiving the written notice, provide to the issuing agency by return mail:
 - 1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or
 - 2. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred; or
 - 3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this Chapter for the notice of infraction.

- C. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, micro-photos, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this Chapter.

(Ord. 2008-83s2 § 2 (part), 2008)

10.42.030 Signage.

All locations where automated traffic safety cameras are in use will have signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. (Ord. 2008-83s2 § 2 (part), 2008)

10.42.040 Warning Period(s).

All locations where automated traffic safety cameras are located for red light running violations will have a mandatory warning period of at least 30 days prior to any monetary penalty be enforced. (Ord. 2008-83s2 § 2 (part), 2008)

10.42.050 Monetary Penalties.

A traffic infraction for violation of RCW Sections adopted by reference in WAC 308-330-421 or Chapter 10.42 PCC issued through the use of automated traffic safety camera shall be processed in the same manner as a parking violation, with a comparable monetary penalty in the current dollar amount of any similar violation adjudicated under RCW 46.61.050. (Ord. 2008-83s2 § 2 (part), 2008)

10.42.060 Compensation for Services.

The compensation paid to the manufacturer or vendor of automated traffic safety camera equipment shall be based only upon the value of the equipment and services provided or rendered in support of the system, and shall not be based upon a portion of the individual fine or civil penalty imposed or the revenue generated by the equipment. (Ord. 2008-83s2 § 2 (part), 2008)

10.42.070 Authorized for Use of Electronic Signatures.

The Pierce County Sheriff, or designee, is authorized to utilize electronic signatures in accordance with the provisions of RCW 19.34, to facilitate the automated traffic safety camera system. (Ord. 2008-83s2 § 2 (part), 2008)

Chapter 10.44

ADDRESSING AND GRID SYSTEM FOR PIERCE COUNTY

Sections:

10.44.010 Official Map.

10.44.020 Definitions.

10.44.030 Designation of Ways-of-Travel.

10.44.040 Numerical Designation of Buildings and Real Property.

10.44.045 Exceptions.

10.44.050 Denoting of Ways-of-Travel.

10.44.060 Powers and Duties of Department.

10.44.070 Display of Designations.

10.44.080 Criminal Penalty.

10.44.090 Severability.

10.44.010 Official Map.

A. The Pierce County Official Addressing Map (hereinafter referred to as "Official Map") shall divide Pierce County into seven districts.

1. Northwest (NW);
2. East (E);
3. Southwest (SW);
4. West (W);
5. Key Peninsula North (KPN);
6. Key Peninsula South (KPS); and
7. South (S).

B. The Official Map will indicate that all islands in Pierce County which have a limited physical connection to the mainland and a grid system which existed on the date Ordinance No. 84-152 became effective, will retain that existing grid system. Such island(s) will be designated by the name of the island followed by the island district designation (I).

C. The Official Map shall impose upon Pierce County a numerical grid as set forth within such Official Map.

D. The Official Map is hereby adopted as part of Ordinance No. 84-152 and incorporated by reference as though fully set forth herein.

E. The Official Map thereof shall be maintained in the Planning and Land Services Department with copies on file in the offices of the Public Works Department, Pierce County Auditor, and Pierce County Building Division. The Official Map or copy thereof shall be available for public inspection during regular business hours.

(Ord. 89-130 § 1, 1989; Ord. 87-142 § 1 (part), 1987; 84-152 § 2 (part), 1984; prior Code § 90.10.010)

10.44.020 Definitions.

Unless the context clearly indicates otherwise, the following terms shall have the meanings which follow:

- A. "Avenue" means a way-of-travel which runs generally north and south.

- B. "County road" means a way-of-travel which is maintained and regulated, and has road sign designations posted by the Public Works Department.
- C. "Court" means a way-of-travel which lies between grid number designations, as in avenue court and street court; for example: 76th Ave. Ct. East, and 313 St. Ct. East.
- D. "Department" means Planning and Land Services.
- E. "Private road" means a way-of-travel which is maintained and has road sign designations posted by individuals using it as their exclusive access.
- F. "Road" means a way-of-travel which has heretofore been designated as a road or which is an extension of an existing road.
- G. "State road" means a way-of-travel which is maintained and regulated and has road sign designations by the Washington State Department of Transportation.
- H. "Street" means a way-of-travel which runs generally east and west.
- I. "Way-of-travel" means a roadway of whatever sort, including but not limited to, avenues, boulevards, courts, drives, lanes, places, roads, streets, and ways, which is capable of carrying traffic.

(Ord. 89-130 § 2, 1989; Ord. 84-152 § 2 (part), 1984; prior Code § 90.10.020)

10.44.030 Designations of Ways-of-Travel.

- A. Ways-of-travel, County or private, shall be designated numerically according to the numerical grid set forth in the Official Map as established in subsections B. and C. of this Section.
- B. Ways-of-travel, County or private, running generally or predominantly north and south shall be suffixed with the abbreviated name of the district in which they are situated; for example: 70th Ave. East, 62nd Avenue N.W., 158th Ave. KPS.
- C. Ways-of-travel, County or private, running generally or predominantly east and west shall be suffixed with the abbreviated name of the district in which they are situated; for example: 224th St. East, 280th St. South, 40th St. N.W.
- D. The designations of ways-of-travel existing prior to the adoption of Ordinance No. 84-152, as amended, will not be changed to conform to the above requirements unless necessary to eliminate duplication or confusion in such designations within a district as defined in Section 10.44.010.
- E. All existing private roads which are presently unmarked or undesignated or designated according to the street to which they connect, and which serve, or are designed to serve, more than seven houses, will be designated separately from the street to which they connect.

(Ord. 87-142 § 1 (part), 1987; Ord. 84-152 § 2 (part), 1984; prior Code § 90.10.030)

10.44.040 Numerical Designation of Buildings and Real Property.

- A. Buildings and unimproved real property, when required to be designated by this Chapter, shall be designated numerically. The first numerals of such designation shall consist of the grid block number as shown by the official map in which the building or unimproved real property is situated, e.g., 16, 80, 176. The last two numerals of such designation shall be no less than 01 nor greater than 99 on the north and east sides of the way-of-travel, and no less than 02 nor greater than 98 on the south and west sides of the way-of-travel. The last two numerals shall never be 00 as that indicates an entire block. Ergo, the complete numerical designation for a building or unimproved real property may be, for example, 1605, 14428, 28822 or 40012.

- B. Except as provided in subsection C. of this Section, odd numerical designations shall be assigned to the north and east sides of ways-of-travel and even numerical designations shall be assigned to the south and west sides of ways-of-travel.

The geographic direction of a way-of-travel shall be determined by observing its overall length and noting its general or predominant direction.

When possible, even and odd numerical designations shall be assigned consecutively and opposite one another.

- C. Buildings and unimproved real property situated on a circular way-of-travel may be numbered consecutively beginning at the point of origin and proceeding progressively around such circle or loop, providing that such a numbering system is necessary to promote the intent and spirit of this Chapter or to reduce or eliminate potential confusion.
- D. Each unit of duplexes, triplexes or fourplexes shall receive a numerical designation.
- E. Buildings with multiple tenantable or habitable units, such as apartment buildings and condominiums, shall receive one numerical designation. Individual units shall be designated by suffixed letters or numbers.

(Ord. 84-152 § 2 (part), 1984; prior Code § 90.10.040)

10.44.045 Exceptions.

The requirements of Section 10.44.030 and Section 10.44.040 may be modified, altered or waived by the Department if it is determined that such modification, alteration, or waiver will comply with the intent of this Chapter to provide a logical and sequential addressing system. The Department shall consult the affected fire district, the Emergency 9-1-1 coordinator, and the appropriate ad hoc committee before approving modifications, alterations, or waivers. (Ord. 87-142 § 1 (part), 1987)

10.44.050 Denoting of Ways-of-Travel.

- A. All new or replaced signs denoting ways-of-travel shall display the name or numerical designation of the way-of-travel, and the district designation.
- B. Signs on County roads shall be placed and maintained by Pierce County.
- C. Signs on private roads shall be placed by the first citizen or developer erecting a structure having a newly developed private road as its access. On existing private roads, the responsibility for the placement of signs shall rest collectively with owners of real property whose real property abuts and uses or is intended to use the private road as access; signs shall be maintained by the same.

(Ord. 88-7 § 1 (part), 1988; Ord. 84-152 § 2 (part), 1984; prior Code § 90.10.050)

10.44.060 Powers and Duties of Department.

- A. The Department is authorized and empowered to assign and/or change the designations of ways-of-travel and the numerical designations of buildings and unimproved property as necessary to eliminate duplications or confusion in designations of way-of-travel in a district as defined in Section 10.44.010 or to insure a logical, sequential numbering system of buildings and unimproved property.
- B. The Department is authorized to promulgate rules and regulations to implement Ordinance No. 84-152 and to insure the proper operations of the addressing and grid system.

- C. The Department shall maintain maps and files which catalog names or numerical designations of ways-of-travel and numerical designations of buildings and unimproved real property.
- D. Other changes, which in the opinion of the Department are necessary to insure the provision of safety services to the citizens affected, shall be presented to a local ad hoc committee of affected citizens for review and comment prior to implementation.

(Ord. 87-142 § 1 (part), 1987; Ord. 84-152 § 2 (part), 1984; prior Code § 90.10.060)

10.44.070 Display of Designations.

- A. The owner of real property on which any building is located which is habitable or tenantable for residential, commercial, business, storage, or other purposes shall be responsible for ensuring that the numerical designation is conspicuously displayed on the building to which it is assigned. The numerical designation shall be easily legible with the numerals not less than four inches in height and the numerals shall be displayed upon a contrasting background.

The numerical designation shall be displayed upon the building unless the building is not clearly visible from an adjacent way-of-travel in which case the numerical designation shall be displayed near the main entrance to the property upon which the building is situated.

In mobile home parks, addresses, or lot numbers are assigned to the lots and not to the mobile homes themselves. The owners and managers of mobile home parks are responsible for ensuring that each mobile home space is marked according to the criteria of size and contrasting color as described above. The numerical designation shall be easily legible and affixed to some permanent structure located on the mobile home space.

- B. Buildings which are accessory to buildings which are required to be numerically designated need not, but may, be numerically designated. Unimproved real property need not, but may, be numerically designated.

(Ord. 88-7 § 1 (part), 1988; Ord. 84-152 § 2 (part), 1984; prior Code § 90.10.070)

10.44.080 Criminal Penalty.

Any person, firm, corporation or other entity that violates any portion of this Chapter shall be guilty of a misdemeanor. (Ord. 84-152 § 2 (part), 1984; prior Code § 90.10.080)

10.44.090 Severability.

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 20, 1989)

Chapter 10.48

TRAFFIC CONGESTION AREAS - CRUISING

Sections:

10.48.010 Definitions.

10.48.020 Designation of Traffic Congestion Areas.

10.48.030 Traffic Congestion Areas - Posting of Signs.

10.48.040 Traffic Congestion Areas Designation - Duration.

10.48.050 Traffic Congestion Areas - Violation.

10.48.060 Exemptions.

10.48.070 Violation - Penalty.

10.48.010 Definitions.

- A. "Cruising" is the repeated passage of a motor vehicle on or across a portion of a street or way open to the public.
- B. "Traffic congestion area" is any portion of a street or way open to the public affected by traffic congestion caused in whole or in part by cruising and declared to be a "traffic congestion area" by the Pierce County Sheriff, or his or her designee.

(Ord. 89-100 § 1 (part), 1989)

10.48.020 Designation of Traffic Congestion Areas.

The Pierce County Sheriff, or his or her designee, shall declare all or a portion of a street or way open to the public to be a "traffic congestion area" when, in his or her discretion:

- A. Cruising has slowed average vehicular speed to less than one-half of the posted speed limit; or
- B. Cruising interferes with the ingress and egress of any vehicle being driven into and out of any location (e.g., parking lot) within a designated traffic congestion area; or
- C. Cruising interferes with buses or taxi cabs in areas containing public transit routes or stops.
- D. Cruising is likely to delay emergency vehicles from responding to locations within the designated traffic congestion area.

(Ord. 89-100 § 1 (part), 1989)

10.48.030 Traffic Congestion Areas - Posting of Signs.

- A. When a street or way open to the public is designated a traffic congestion area pursuant to this Chapter, officers of the Pierce County Sheriff's Department shall post along the street or way so designated, in a conspicuous position, signs identifying the street or way open to the public as a traffic congestion area.
- B. The signs shall be placed so as to reasonably notify passing drivers that a motor vehicle passing through a designated traffic congestion area more than two times in the same direction within a 2-hour period is a violation of law.
- C. Signs identifying an area as a traffic congestion area shall be at least three feet by three feet and shall state: "NOTICE -- THIS IS A TRAFFIC CONGESTION AREA. THE DRIVER OF ANY VEHICLE PASSING THROUGH THIS AREA IN THE SAME DIRECTION MORE THAN TWO TIMES IN ANY 2-HOUR PERIOD SHALL BE GUILTY OF A MISDEMEANOR AND SUBJECT TO A PENALTY OF \$250.00."

- D. The lettering of the phrase contained on the signs erected pursuant to this Chapter shall be two and a half inches in height and two inches in width and shall be of a reflective material so as to be visible in the evening hours.

(Ord. 89-100 § 1 (part), 1989)

10.48.040 Traffic Congestion Areas Designation - Duration.

The designation of a street or a way open to the public as a traffic congestion area shall remain in effect for a period of 4 hours in any given 24 hour period, and may be extended for an additional 4-hour period by the Pierce County Sheriff when, in his or her discretion, such an extension will serve the public's health and/or safety interests. (Ord. 89-100 § 1 (part), 1989)

10.48.050 Traffic Congestion Areas - Violation.

Except as provided for in Section 10.48.060 of this Chapter, it shall be unlawful for any person to drive or permit a motor vehicle under his or her control to pass more than two times in the same direction within any 2-hour period on a street or way open to the public and designated as a traffic congestion area in accordance with this Chapter. (Ord. 89-100 § 1 (part), 1989)

10.48.060 Exemptions.

This Chapter shall not apply to:

- A. Any publicly-owned vehicle of any city, county, public district, state, or federal agency;
or
- B. Any vehicle licensed for the purpose of public transportation, including but not limited to, buses and taxi cabs; or
- C. Any emergency vehicle, including but not limited to police cars, fire engines, ambulances, or tow trucks; or
- D. Any vehicle being driven within a designated traffic congestion area for necessary commercial or medical reasons; or
- E. Any person who can demonstrate that he or she lives within a designated traffic congestion area.

(Ord. 89-100 § 1 (part), 1989)

10.48.070 Violation - Penalty.

Violation of this Chapter shall be a misdemeanor subject to a maximum penalty of \$250.00.
(Ord. 89-100 § 1 (part), 1989)

Chapter 10.50

PIERCE COUNTY COMMUTE TRIP REDUCTION

Sections:

- 10.50.010 Purpose and Intent.**
- 10.50.020 Definitions.**
- 10.50.030 County Commute Trip Reduction Plan.**
- 10.50.040 Responsible County Agency.**
- 10.50.050 Applicability.**
- 10.50.060 Notification of Applicability.**
- 10.50.070 Employer Program Requirements.**
- 10.50.080 Program Modifications and Exemptions.**
- 10.50.090 Review of Commute Trip Reduction Programs.**
- 10.50.100 Enforcement and Penalties.**
- 10.50.110 Appeals of Administrative Decisions.**
- 10.50.120 Commute Trip Reduction Program for Employees of Pierce County Government.**

10.50.010 Purpose and Intent.

The purpose of this Chapter is to promote the public health, safety, and general welfare by establishing goals and requirements for employers to implement commute trip reduction programs in accordance with RCW 70.94.521-551. The County recognizes the importance of increasing citizens' awareness of climate changes, air quality, energy consumption, and traffic congestion and the contribution individual actions can make toward addressing these issues. The intent of this Chapter is to achieve the following objectives:

- A. To improve air quality, reduce traffic congestion, and reduce the consumption of petroleum fuels through employer-based programs that encourage the use of alternatives to the single-occupant vehicle for the commute trip.
- B. To make optimal use of existing and planned transportation facilities to minimize development costs and preserve business opportunities in Pierce County and the State of Washington.
- C. To adopt a cooperative and coordinated approach to reducing the number of drive alone trips and average vehicle miles traveled (VMT) to ensure consistency regarding CTR policies and implementation.
- D. To treat affected employers in a fair and reasonable manner.

(Ord. 2008-104 § 2 (part), 2008)

10.50.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

- A. "Affected Employee" means a full-time employee who begins his or her regular workday at a single worksite covered by the Pierce County Commute Trip Reduction Plan between 6 a.m. and 9 a.m. (inclusive) on two or more weekdays for at least 52 continuous weeks. Independent contract employees are excluded. Seasonal agriculture employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees. Construction workers who work at a construction site with an expected duration of less than two years are excluded from this definition.

- B. "Affected Employer" means an employer who employs 100 or more affected employees.
- C. "Affected Employer Worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way, and at which there are 100 or more affected employees.
- D. "Alternative Commute Mode" refers to any means of commuting other than that in which the single-occupant motor vehicle is the dominant mode. Teleworking/telecommuting and compressed work week schedules that result in the reduction of commute trips are also considered an alternative commute mode.
- E. "Carpool" means a motor vehicle occupied by 2 to 4 people of at least 16 years of age traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.
- F. "Commute Trip" means a trip that is made from a worker's home to a worksite.
- G. "CTR" is the abbreviation of Commute Trip Reduction.
- H. "Commute Trip Reduction (CTR) Plan" means the adopted Pierce County plan to regulate and administer the CTR programs of affected employers.
- I. "Commute Trip Reduction (CTR) Program" means an employer's strategies to reduce employees' drive-alone trips and average VMT per employee.
- J. "Compressed Work Week" means a full-time employee work schedule that allows an employee to eliminate at least one workday every two weeks by working more hours the remaining days, resulting in fewer commute trips by the employee. Examples would include working four workdays per week or nine workdays in two weeks. Compressed work weeks are understood to be an ongoing arrangement.
- K. "Day" means calendar day.
- L. "Department" means the Pierce County Public Works and Utilities Department.
- M. "Dominant Mode" means the mode of travel used for the greatest distance of a commute trip.
- N. "Drive Alone" means a motor vehicle occupied by one person for commute purposes, including a motorcycle.
- O. "Employee Transportation Coordinator" means a designated person who is responsible for the development, implementation and monitoring of an employer's Commute Trip Reduction Program.
- P. "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit, or private, that employs workers.
- Q. "Flex-Time" is a flexible work schedule which is a mutual agreement between the employee and the employer to choose the work time, but not the number of working hours. Flex-time is understood to be an ongoing arrangement.
- R. "Full-Time Employee" means a person other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week.
- S. "Good Faith Effort" means that an employer has met the minimum requirements identified in RCW 70.94.534(2) and this Chapter and is working collaboratively with the County to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR Program over an agreed upon length of time.
- T. "Implementation" or "Implement" means active pursuit by an employer to achieve the CTR goals of RCW 70.94.521-.551 and this Chapter.

- U. "Mode" means the type of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, train, ferry, bicycle, compressed work week schedules, teleworking/telecommuting, and walking.
 - V. "Newly Affected Employer" refers to an employer that is not an affected employer upon the effective date of this Chapter but who becomes an affected employer subsequent to the effective date of this Chapter.
 - W. "Proportion of Drive Alone Trips" means the number of commute trips over a set period made by employees in single occupancy vehicles divided by the number of potential trips taken by employees working during that period.
 - X. "Single Worksite" means a building or group of buildings on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way.
 - Y. "Teleworking/telecommuting" means the authorization of an employee to work from home, satellite office or from a teleworking center, thus eliminating a commute trip or reducing the distance traveled in a commute trip by at least half of the employee's regular commute distance.
 - Z. "Transit" means a multiple-occupant vehicle operated on a shared-ride basis. This definition includes bus, ferry, or rail.
 - AA. "Transportation Management Organization (TMO)" or "Transportation Management Association (TMA)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMO/TMA may represent employers within specific city limits, or may have a sphere of influence that extends beyond city limits.
 - BB. "Vanpool" means a vehicle occupied by 5 to 15 people of 16 or more years of age traveling together for their commute trip that results in the reduction of motor vehicle trips.
 - CC. "Vehicle Miles Traveled (VMT) Per Employee" means the sum of the individual vehicle commute trip lengths in miles made by employees over a set period divided by the number of employees during that period.
 - DD. "Week" means a seven day calendar period, starting on Sunday and continuing through Saturday.
 - EE. "Weekday" means Monday, Tuesday, Wednesday, Thursday, or Friday.
 - FF. "Writing," "Written," or "In Writing" means original signed and dated documents. Facsimile (fax) transmissions and electronic transmissions are a temporary notice of action that must be followed by the original signed and dated via mail or delivery.
- (Ord. 2008-104 § 2 (part), 2008)

10.50.030 County Commute Trip Reduction Plan.

The County has a variety of responsibilities pursuant to the requirements of RCW 70.94.521-551. The Pierce County Commute Trip Reduction Plan addresses these responsibilities and establishes the goals for the County and the CTR-affected employers as set forth as Attachment A and incorporated herein by reference. (Ord. 2008-104 § 2 (part), 2008)

10.50.040 Responsible County Agency.

The Pierce County Public Works and Utilities Department is responsible for implementing this Chapter. (Ord. 2008-104 § 2 (part), 2008)

10.50.050 Applicability.

- A. **Affected Employer.** The provisions of this Chapter shall apply to any affected employer at any single worksite within the limits set forth in the Pierce County Commute Trip Reduction Plan.
- B. **Change in Status as an Affected Employer.** Any of the following changes in an employer's status may change the employer's CTR program requirements:
 1. **Change from Affected to a Non-affected Status.** If an employer initially designated as an affected employer no longer employs 100 or more affected employees and expects not to employ 100 or more affected employees for the next 12 months, that employer is no longer an affected employer. It is the responsibility of the employer to notify the County in writing that it is no longer an affected employer and provide supporting evidence.
 2. **Change in Status Within a 12 Month Period.** If an employer drops below the threshold and then returns to the threshold level of 100 or more affected employees within the same 12 months, that employer will be considered an affected employer for the entire 12 months, and will be subject to the program requirements as other affected employers.
 3. **Change in Status After a 12 Month Period.** If an employer drops below the threshold and then returns to the threshold level of 100 or more affected employees 12 or more months after its change in status to an "unaffected" employer, that employer shall be treated as a newly affected employer.
- C. **Newly Affected Employers.**
 1. **Identification.** Newly affected employers must identify themselves to the County within 30 days of either moving into the boundaries as set forth in the Pierce County CTR Plan or growing in employment at a worksite to 100 or more affected employees. It is the responsibility of the employer to notify the County of its affected employer status. Newly affected employers who do not identify themselves within 30 days will be considered to be in violation of this Chapter.
 2. **Survey.** Newly affected employers identified as such shall be given 90 days to perform a baseline measurement. The employer shall utilize the state provided survey measurement tool or state approved equivalent format and strive to achieve at least a 70 percent response rate from employees at the worksite. Employers who do not perform a baseline measurement within 90 days of receiving written notification that they are subject to this Chapter are in violation of this Chapter.
 3. **Program Development.** Not more than 60 days after receiving notification of the results of the baseline measurement, the newly affected employer shall develop and submit a CTR Program to the County. The employer shall submit their CTR Program utilizing the format provided by the County. The program will be developed in consultation with the County to be consistent with the goals of the CTR Plan. Employers who do not submit their CTR Program within 60 days are in violation of this Chapter.
 4. **Implementation.** The program shall be implemented not more than 90 days after approval by County. Employers who do not implement an approved CTR Program within 90 days are in violation of this Chapter.

(Ord. 2008-104 § 2 (part), 2008)

10.50.060 Notification of Applicability.

- A. **Notice to Known Affected Employers.** Known affected employers located in the County will receive written notification that they are subject to this Chapter and any revisions to this Chapter. Such notice shall be by certified mail or delivery, return receipt, addressed to the company's chief executive officer, senior official, or CTR manager at the work site. Such notification shall be delivered 30 days after the adoption of the Chapter or any revisions to the Chapter.
- B. **Self-Identification of Affected Employers.** Employers who, for whatever reasons, do not receive notice within 30 days of adoption or amendment of this Chapter shall identify themselves to the Department within 60 days of the adoption of this Chapter.
- C. **Notification of Non-Applicability.** It is the responsibility of the employer to provide the Department, in writing, the non-applicability of this Chapter to their worksite.

(Ord. 2008-104 § 2 (part), 2008)

10.50.070 Employer Program Requirements

An affected Employer is required to make a good faith effort as defined in RCW 70.94.534(2) and this Chapter to develop and implement a CTR program for their employees that will encourage their employees to reduce VMT per employee and drive alone commute trips. The employer shall provide effective staffing levels and financial resources to support the following employer requirements:

- A. **Employee Transportation Coordinator.**
 - 1. The employer shall designate an employee transportation coordinator to administer the CTR program. The Coordinator or designee's name and telephone number must be displayed prominently at each affected worksite. The coordinator shall oversee all elements of the employer's CTR program and act as liaison between the employer and the County.
 - 2. Employers with multiple affected worksites located in Pierce County shall have effective program administration at each affected worksite.
 - 3. An employer may utilize the employee transportation coordinator services of a transportation management organization/association. If a transportation management organization/association is utilized, the employer will still be held responsible for meeting all the requirements of RCW 70.94.521-551 and this Chapter.
- B. **Information Distribution.**
 - 1. Information about alternatives to drive alone commuting as well as a summary of the employer's CTR Program shall be provided to employees at least once a year.
 - 2. All new employees at the time of hire or during the employer's new hire orientation shall receive information about alternatives to drive alone commuting, a summary of the employer's CTR Program and information to access a ridematching database.
 - 3. At least once a month, provide information to employees about commute options, employer program elements, or countywide/statewide commuter services, programs and events.
 - 4. Conduct a transportation event or promotional campaign at least once a year.
- C. **Emergency Ride Home.** The employer shall offer to its employees an emergency ride home program that guarantees employees a free ride home in emergency situations when they use alternative commute modes.
- D. **Additional Program Elements Designed to Achieve the Goals.** In addition to the specific program elements described above, employer CTR programs shall include, but are not limited to, one or more of the following measures:

1. Provide preferential parking for high-occupancy vehicles;
2. Reduce parking charges for high-occupancy vehicles;
3. Institute or increase parking charges for drive alone commuters;
4. Eliminate free parking;
5. Decrease the number of parking stalls within the constraints of Chapter 18A.35.040;
6. Provide a parking incentives program such as a rebate for employees who do not use the parking facilities;
7. Provide commuter ride matching services to facilitate employee ride-sharing for commute trips;
8. Provide subsidies for transit, rail, or vanpool fares and/or passes;
9. Provide subsidies for carpools, walking, bicycling, telework/telecommuting or compressed work week schedules;
10. Provide incentives for employees who do not drive alone to work;
11. Provide vans for vanpools;
12. Permit the use of the employer's vehicles for carpooling or vanpooling;
13. Permit the use of the employer's vehicles for emergency ride home or personal errands;
14. Establish a flex-time policy;
15. Establish a compressed work week schedules policy;
16. Establish a telework/telecommute policy;
17. Cooperate with transit providers to provide additional regular or express service to the worksite;
18. Construct a special loading and unloading facilities for transit, carpool, and vanpool users;
19. Provide bicycle parking facilities, changing areas, showers and clothes lockers for employees who bicycle or walk to work;
20. Implement other measures designed to facilitate the use of high-occupancy vehicles, such as on-site services like a cafeteria or day care facility;
21. Other ideas that facilitates the reduction of drive alone trips.

E. **CTR Program Reporting.**

1. **Quarterly Reporting.** Affected employers shall submit to the County a quarterly progress report in accordance with the format provided by the County.
2. **Due Dates for Quarterly Reporting.** First quarter (January, February and March), Second Quarter (April, May and June) and Third Quarter (July, August and September) shall be due ten calendar days past the end of the quarter. Fourth quarter (October, November, and December) shall be due the second Wednesday in December.
3. **Annual Reporting.** Affected employers shall review their program and implementation progress by submitting an annual report with the County in accordance with the format provided by the County. The annual report outlines the strategies that were undertaken by an employer to achieve the commute trip reduction goals for the reporting period. It also outlines the strategies to be undertaken for the next reporting year. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. Employers are further encouraged to cooperate with each other to implement program elements.

4. **Due Date for Annual Reporting.** All annual reports shall be due by the second Wednesday of December.
 5. **Annual Reporting Extension.** An employer may request an extension of up to 30 days for submitting the annual report. The request shall be made in writing to the Department no less than 15 days prior to the due date.
- F. **Biennial Survey Measure of Employee Commute Behavior.** In addition to the baseline measurement, employers shall conduct a program evaluation as a means of determining worksite progress toward meeting CTR goals. As part of the program evaluation, the employer shall utilize the state provided survey measurement tool or state approved equivalent format and strive to achieve at least a 70 percent response rate from employees at the worksite. The County will establish a countywide measurement schedule that will require employers to conduct the measurement survey on a two-year cycle. Depending on when a newly affected employer is identified, a baseline survey and measurement survey may be required during the established measurement schedule. For the purposes of this Chapter, an employer shall not be required to survey more than once in a 12 month period.
- G. **Record Keeping.** Affected employers shall maintain a copy of official correspondences between the employer and the County, their measurement results, and all supporting documentation for the descriptions and assertions made in any CTR report to the County for a minimum of 48 months. The County and the employer shall agree on the record keeping requirements as part of the accepted CTR program.
- (Ord. 2008-104 § 2 (part), 2008)

10.50.080 Program Modifications and Exemptions.

- A. At any time, any affected employer may request that the County grant a modification from a CTR program requirement other than designation of the employee transportation coordinator, information distribution, surveying, and annual reports.
 - B. Modification of individual program measures shall not exempt an affected employer from complying with other required program measures.
 1. **Employee Adjustment.** Groups of employees (1) who are required to drive alone to work as a condition of employment, or (2) employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts may be exempted from a worksite's survey measurement. Affected employees who are exempted from a worksite's CTR Program shall be counted when determining the total number of affected employees at the worksite.
 2. **Hardship.** A one-year program waiver may be granted if and only if an affected employer demonstrates that it faces extraordinary circumstance, such as bankruptcy, and is unable to implement any measures that would reduce the proportion of drive alone trips or average VMT per employee.
 - C. **Affected Employer May Request a CTR Program Modification or Waiver at Any Time.** The department shall review such requests and notify the employer of its decision in writing within 30 days of the date the department receives the written request. The department shall review annually all modifications and exemptions and shall determine whether they will remain in effect during the following program year.
- (Ord. 2008-104 § 2 (part), 2008)

10.50.090 Review of Commute Trip Reduction Programs.

- A. **Newly Affected Employer.** The first Annual Report submitted by a newly affected employer shall be accepted by the department as long as it addresses necessary baseline information and all required elements including elements likely to result in reductions in drive alone trips or reduction in average VMT.
- B. **Review and Evaluation.** The department's review and evaluation will address the employer's good faith efforts toward meeting the CTR goals. Consequently, programs may be deemed acceptable or unacceptable based on the employer's progress in reducing commute trips, as measured by reduction in drive alone trips or reduction in average VMT. The employer shall provide adequate information and documentation of program implementation when requested by the County.
- C. **Document Review.** Within 90 days of the date the department receives an employer's CTR Program Annual Report, the department shall provide the employer with written notification of whether a CTR program is deemed acceptable or unacceptable. If the CTR program is deemed unacceptable, the notification must give cause for the rejection. The department may extend the review period up to 90 days. If the review period is extended, the implementation date for the employer's CTR program will be extended an equivalent number of days.
- D. **Review Criteria.** The County shall use the following criteria to determine whether an affected employer shall be required to make modifications to its CTR Program.
 - 1. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this Chapter, and meets or exceeds either the applicable drive alone or VMT reduction goal, the employer has satisfied the objectives of this Chapter, and will not be required to modify its CTR Program.
 - 2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this Chapter, but fails to meet both the applicable drive alone and VMT reduction goals, the City/County shall work collaboratively with the employer to implement program modifications likely to result in improvements to the program over an agreed upon length of time.
 - 3. If an employer fails to make a good faith effort, as defined in RCW 70.94.534(2) and this Chapter, and fails to meet both the applicable drive alone and VMT reduction goals, the County shall work collaboratively with the employer to identify modifications to the CTR Program and shall direct the employer to revise its program accordingly and submit the revised program to the County within 30 days.
- E. **Request for Conference.** Within ten days of receipt of written notice for an unacceptable CTR program, the County or employer may request a conference to discuss the department's decision. This conference shall be scheduled during County official hours.
- F. **Implementation of CTR Program Modifications.** If the County proposes modifications to an affected employer's CTR program due to the CTR program's unacceptability, the affected employer shall have 30 days to submit a revised CTR program that includes the proposed or other mutually agreed modifications.
- G. **Employer Intent to Modify.** The employer shall notify the County in writing of its intent to substantially change or modify its approved program. Within 30 days, the County will review the request. If found unacceptable, the County shall work collaboratively with the employer to design program modifications likely to result in improvements to the program over an agreed upon length of time.

H. **Leadership Certificate.** Employers who meet at least one goal will receive a Commute Trip Reduction Certificate of Leadership from the County.
(Ord. 2008-104 § 2 (part), 2008)

10.50.100 Enforcement and Penalties.

- A. **Compliance.** For purposes of this Chapter, compliance shall mean fully implementing all provisions in an approved CTR program or is determined to have made a good faith effort as defined in RCW 70.94.534(2) and this Chapter.
- B. **Violations.** The following constitute violations of this Chapter:
1. Failure to develop and/or submit a complete program by the applicable deadlines as stated in this Chapter.
 2. Failure to implement an approved CTR program by the applicable deadlines as stated in this Chapter.
 3. Failure to modify an unacceptable CTR program by the applicable deadlines as stated in this Chapter.
 4. Failure of an affected employer to identify itself to the department within 60 days of the effective date of this Chapter.
 5. Failure of a newly affected employer to identify itself to the department within 30 days of becoming an affected employer.
 6. Failure to submit quarterly and annual reports by the applicable deadlines as stated in this Chapter.
 7. Failure to complete the survey measurement by the applicable deadlines as stated in this Chapter.
 8. Failure to maintain CTR Program records.
 9. Intentionally submitting fraudulent or false information, data and/or survey results.
- C. **Penalties.**
1. **Civil Infraction.** Any affected employer who violates any provision of this Chapter shall be subject to a Class 1 civil infraction citation pursuant to the provisions of County Code.
 2. **Penalty Amount.** The penalty for a Class 1 civil infraction is \$250.00 per day, pursuant to County Code.
 3. **Penalty Accrual.** Penalties will begin to accrue following the official date of notice from the County. In the event that an affected employer appeals the imposition of penalties, the penalties will not accrue during the appeals process. Should the Hearings Examiner decide in favor of the appellant, all or a portion of the monetary penalties will be dismissed.
 4. **Union Negotiations.** An employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:
 - a. Propose to a recognized union any provisions of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and
 - b. Advise the union of the existence of the statute and the mandates of the CTR program approved by the County and advise the union that the proposal being made is necessary for compliance with RCW 70.94.521-551 and this Chapter.

5. **Violation Notification.** Whenever the Department makes a determination that an affected employer is in violation of this Chapter, the County shall notify the employer in writing.
(Ord. 2008-104 § 2 (part), 2008)

10.50.110 Appeals of Administrative Decisions.

- A. **Appeals.** Any affected employer may appeal administrative decisions of the Public Works and Utilities Director or designee regarding modification of goals, modification of CTR program elements, and penalties to the Pierce County Hearing Examiner pursuant to Pierce County Code Chapter 1.22, Pierce County Hearing Examiner Code. Appeals shall be filed within 30 days of the administrative decision.
- B. **Criteria.** The Hearing Examiner will evaluate employers' appeals of administrative decisions by determining whether the department's decisions were consistent with CTR Law, Washington Administrative Code Chapter 468-63 and this Chapter. An appeal may be granted if the employer can show:
1. That the violation for which the penalty was imposed occurred for reasons beyond the control of the employer.
 2. That the measures that the department directed the employer to incorporate into its CTR program are unlikely to reduce the proportion of SOV trips or VMT per employee.
- C. **Judicial Appeal.** An affected employer may appeal any decision of the Hearing Examiner to the Pierce County District Court and any such appeal shall be limited to the record made before the Examiner.
(Ord. 2008-104 § 2 (part), 2008)

10.50.120 Commute Trip Reduction Program for Employees of Pierce County Government.

In accordance with the CTR Efficiency Act RCW 70.94.521-.551, the County will implement a Commute Trip Reduction Program for employees of Pierce County government. A copy of the County's CTR program can be obtained from the Pierce County Public Works and Utilities Department. (Ord. 2008-104 § 2 (part), 2008)