

**TOWN OF BEAUX ARTS VILLAGE
ORDINANCE NO. 374**

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE REGULATING
THE STOPPING AND PARKING OF AUTOMOBILES, RECREATIONAL OR
UTILITY VEHICLES, AND THEIR RELATED EQUIPMENT; PROVIDING
PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING
ORDINANCE NOS. 218, 231, AND 274.

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS
VILLAGE, WASHINGTON, AS FOLLOWS:**

Section 1. Definitions.

Driveway: the egress and ingress between the paved roadway and the parking facilities on a property (e.g. garages, carports, and parking pads), including both the private property and Town right-of-way portion. For purposes of this ordinance, the driveway width is as defined in the Town's Right of Way Code.

Junker: any vehicle not currently licensed to be driven on public roads or not currently capable of being legally driven.

Line of sight: the view along a Town right-of-way from any part of a paved public roadway to any other part of a paved public roadway.

Passenger vehicle: any of the following vehicles: automobiles, 7-9 passenger vans, and pickup trucks.

Path Right of Way (ROW): for the purposes of this ordinance, the path right of way (ROW) is as defined in the Town's Right of Way Code.

Recreational, commercial, or utility vehicle: any of, but not limited to, the following: boats, campers, boat trailers, travel trailers, pickup campers, coaches, motorized dwellings, recreational vehicles, tent trailers, , utility trailers, trucks, , machinery, , commercial vehicles, camper tops or shells, and buses.

Screen: fencing, landscaping, or structure that obscures the view of an object from the right-of-way and/or adjoining property.

Section 2. Parking provisions.

2.1. It shall be unlawful for any person to stop, stand or park any vehicle in any of the following places, except temporarily during the actual loading or unloading of passengers or when necessary to avoid a traffic conflict or in obedience to a police officer, to traffic regulations or to traffic signs or signals:

- 2.1.1 On the paved portion of any street in such a manner or under such conditions as to leave less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.
 - 2.1.2 In front of a private driveway.
 - 2.1.3 Within ten (10) feet of a fire hydrant.
 - 2.1.4 On a path ROW or in such a fashion as to block a path ROW.
 - 2.1.5 On or within twenty (20) feet of a crosswalk.
 - 2.1.6 Within thirty (30) feet of any traffic control signal.
 - 2.1.7 On either the paved portion or the west side of 108th Avenue SE.
 - 2.1.8 On the paved portion or sidewalk of the north and south arterial known and designated as:
 - (a) 104th Avenue SE between the north boundary of the Town and SE 28th Street; and
 - (b) SE 28th Street between 104th Avenue SE and 105th Avenue SE; and
 - (c) 105th Avenue SE between SE 28th Street and SE 30th Street.
 - 2.1.9 On the paved turnout areas located on:
 - (a) the south side of SE 29th Street just east of 106th Place SE; and
 - (b) the east side of 106th Place SE approximately one hundred (100) feet north of SE 29th Street.
 - 2.1.10 Where line of sight is impaired.
- 2.2. Vehicles that are owned by a resident shall be parked on that resident's private property. If this is not possible, these vehicles may be parked on the Town right-of-way portion of the driveway, as long as line of sight is not impaired.
- 2.3. Recreational, commercial, or utility vehicles or junkers may be parked as follows:
- 2.3.1 in a carport or garage or on private property if screened as defined in Section 1 of this ordinance; and
 - 2.3.2 temporarily in a non-screened area for a period not to exceed a total of two weeks in a one-year period. An owner may be granted an extension of this time limit by the Town Marshal upon application, which shall include the signed consent of each adjoining property owner and the property owners across the street, and an explanation of the special circumstances that make the extension necessary.

2.4. The undeveloped, unpaved and unplanted portion of the Town right-of-way may be used for guest parking or for occasional temporary parking by residents provided the vehicle is not blocking through traffic and does not violate any provision of this ordinance.

Section 3. Exceptions. Exceptions to the provisions of this ordinance may be granted by the Council under the following conditions:

3.1. The resident seeking the exception shall file an application with the Town Clerk indicating:

- 3.1.1. The reasons why the strict enforcement of this ordinance would cause an undue hardship; and
- 3.1.2. An alternative parking and/or screening proposal that will not have a negative impact on the quality of the immediate neighborhood.

3.2. At least one week prior to the Council meeting at which such an application will be considered, the Town Clerk shall provide a copy of the application to each adjoining property owner and the property owners across the street.

3.3. When considering such an application, the Council shall take into consideration traffic congestion and safety, and the impact on surrounding neighbors.

Section 4. Enforcement and Penalties. Any person violating or failing to comply with any of the provisions of this ordinance shall be subject to a civil penalty in the amount of \$100 per day for each day in which the violation continues. In addition, the Town Marshal may place a 72-hour notice on any vehicle parked in violation of this ordinance indicating that the vehicle must be removed within the 72-hour period or it will be removed by the Town at the owner's expense.

Section 5. Repealer. The following ordinances are hereby repealed:

- 5.1. Ordinance No. 218, passed by the Council on June 13, 1989.
- 5.2. Ordinance No. 231, passed by the Council on July 9, 1991.
- 5.3. Ordinance No. 274, passed by the Council on September 9, 1997.

Section 6. Validity. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases subsequently may be found by competent authority to be unconstitutional or invalid.

Section 7. Effective Date. This ordinance shall take effect five (5) days after its passage and publication.

PASSED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE and signed in authentication of its passage on the 13th day of April, 2010.

Richard Leider, Mayor

ATTEST:

APPROVED AS TO FORM:

Sue Ann Spens, Clerk-Treasurer

Wayne Stewart, Town Attorney