

ORDINANCE No. C 25628

An Ordinance providing for the removal of parking places from certain streets in accordance with the Air Quality Implementation Plan and amending Section 46.52.195 and Section 46.61.565 of the City of Spokane Traffic Code, Ordinance No. C-22259, which is "An ordinance regulating vehicle and pedestrian traffic and parking in the City of Spokane, defining offenses and providing penalties therefor, and providing for an effective date of this ordinance," passed the City Council December 10, 1973.

WHEREAS, an area within the City is a non-attainment area for carbon monoxide under the Clean Air Act; and

WHEREAS, among the strategies chosen by the City of Spokane to reduce the carbon monoxide level is improvement of traffic characteristics by the removal of on-street parking from parts of certain streets; and

WHEREAS, a methodical attempt to decrease pollution by removal of on-street parking is a condition of acceptance by state and federal authorities of the City's Air Quality Implementation Plan; and

WHEREAS, the stopping, standing or parking of vehicles where prohibited by the Air Quality Implementation Plan would render ineffective the City's attempt to reduce carbon monoxide levels and thus is inimical to the public health and welfare and justifies removal of the offending vehicles;

Now, Therefore,

The City of Spokane does ordain:

Section 1. That these special zones are established on the following streets, as described, and shall be so posted:

a. Peak Hour prohibition. No Parking 6:30 AM - 9:00 AM and 3:30 PM - 7:00 PM.

Monroe Street:

West side - from Riverside Ave. to 3rd Ave.

East side - from Sprague Ave. to 1st Ave.;
from 554.9 ft. south of the south curb line of 1st Ave.
to the alley south of 2nd Ave.

Lincoln Street:

West side - from 516.9 ft. north of the north curb line of 2nd Ave. to 245.6 ft. north of the north curb line of Riverside Ave.

East side - from 118.8 ft. north of the north curb line of 3rd Ave. to Riverside Ave.;
from 73.4 ft. north of the north curb line of Riverside Ave. to Main Ave.

Wall Street;

West side - from Main Ave. to Spokane Falls Blvd.

Stevens Street:

West side - from Spokane Falls Blvd. to Main Ave.;

- from 64.8 ft south of the south curb line of Riverside Ave. to 254 ft. south of the south curb line of 4th Ave.;
- from 5th Ave. to 239 ft. south of the south curb line of 5th Ave.;
- from 6th Ave. to 7th Ave.

East side - from Spokane Falls Blvd. to 84 ft. south of the south curb line of Sprague Ave.;

- from 65.7 ft. south of the south curb line of 1st Ave. to 129.9 ft. south of the south curb line of 1st Ave.
- from 511.0 ft. south of the south curb line of 1st Ave. to 3rd Ave.;
- from 47 ft. south of the south curb line of 3rd Ave. to 238 ft. south of the south curb line of 3rd Ave.;
- from 4th Ave. to 254 ft. south of the south curb line of 4th Ave.;
- from 5th Ave. to 7th Ave.

Washington Street:

West side - from 114 ft. north of the north curb line of 6th Ave. to 4th Ave.;

- from 118 ft. north of the north curb line of 4th Ave. to 53.8 ft. north of the north curb line of 1st Ave.;
- from Sprague Ave. to 99 ft. north of the north curb line of Riverside Ave.;
- from the alley north of Riverside Ave. to Spokane Falls Blvd.

East side - from 6th Ave. to 4th Ave.;

- from 75 ft. north of the north curb line of 4th Ave. to 95 ft. north of the north curb line of 2nd Ave.;
- from Pacific Ave. to 245 ft. north of the north curb line of Main Ave.

b. No parking bus zone. No parking except STS buses.

Howard Street:

Both sides - from 1st Ave. to Main Ave.

Riverside Avenue:

Both sides - from Stevens St. to Lincoln St.

c. No parking any time. No parking any time.

Monroe Street:

East side - from 65 ft. south of the south curb line of 1st Ave. to 534.2 ft. south of the south curb line of 1st Ave.
from 55 ft. south of south curb line of 3rd Ave. to alley south of 3rd Ave.

Lincoln Street:

West side - from 154.1 ft. north of the north curb line of 2nd Ave. to 516.9 ft. north of the north curb line of 2nd Ave.

Wall Street:

East side - from 207.4 ft. north of the north curb line of Riverside Ave. to 59.9 ft. north thereof.

Stevens Street:

East side - from 127.9 ft. south of the south curb line of 1st Ave. to 511.0 ft. south of the south curb line of 1st Ave.

Washington Street:

East side - from 6th Ave. to 184 ft. north of the north curb line of 6th Ave.

d. Commercial Loading Zones. Within the following described limits, commercial loading zones shall have their existing effective hours changed to the effective hours of 9:00 AM to 3:30 PM.

Monroe Street:

West side - from Riverside Ave. to 3rd Ave.

East side - from Sprague Ave. to 3rd Ave.

Lincoln Street:

West side - from 2nd Ave. to Main Ave.

East side - from 3rd Ave. to Main Ave.

Wall Street:

West side - from Main Ave. to Spokane Falls Blvd.

Stevens Street:

Both sides - from Spokane Falls Blvd. to 7th Ave.

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Washington Street:

Both sides - from 7th Ave. to Spokane Falls Blvd.

Howard Street:

Both sides - from 1st Ave. to Main Ave.

Riverside Avenue:

Both sides - from Lincoln St. to Stevens St.

Section 2. The zones described above shall be clearly marked as "Cov away zones." Stopping, standing or parking when prohibited in such a zone subjects the vehicle to immediate removal by any police officer under Section 46.61.565 of the City Traffic Code.

Section 3. Within the following described limits, the existing No Parking Any Time regulations shall be rescinded:

Monroe Street:

West side - from 122.8 ft. south of the south curb line of 1st Ave.
to 934.2 ft. south of the south curb line of 1st
Ave.

Lincoln Street:

East side - from 224.0 ft. north of the north curb line of 2nd Ave.
to 516.9 ft. north of the north curb line of 2nd Ave.

Stevens Street:

West side - from 143.4 ft. south of the south curb line of 1st Ave.
to 511.0 ft. south of the south curb line of 1st Ave.

Section 4. Within the following designated limits the existing Commercial Loading Zones 8:00 AM to 6:00 PM are rescinded.

Monroe Street:

East side - from 488.0 ft. south of the south curb line of 1st Ave.
to 509.2 ft. south of the south curb line of 1st Ave.

Stevens Street:

East side - from 214.5 ft. south of the south curb line of 1st Ave.
to 240.5 ft. south of the south curb line of 1st Ave.

Section 5. Within the following designated limits new Commercial Loading Zones are created with effective hours of 9:00 AM to 3:30 PM:

Monroe Street:

East side - from 534.9 ft. south of the south curb line of 1st Ave.
to 581.9 ft. south of the south curb line of 1st Ave.

Stevens Street:

East side - from 108.5 ft. south of the south curb line of 1st Ave.
to 129.9 ft. south of the south curb line of 1st Ave.

Section 6. If, during the period from September 1, 1980, to January 1, 1981, the second highest reading from any of the monitoring stations for carbon monoxide concentrations, operated by the Washington State Department of Ecology, exceeds 12.6 parts per million, then the "peak hour" no parking zones described in Section 1(a) above shall become "No parking any time" zones and the signs therein changed accordingly. PROVIDED, however, that if the reading in excess of 12.6 parts per million is shown to correlate to unusual meteorological conditions, so that the Environmental Protection Agency agrees that the excess reading does not indicate inadequacy of the peak-hour parking prohibition, the imposition of the all-hour parking ban within those zones shall be deferred. Provided, further, that no reading shall be considered if it occurs at the Fernwell Building monitor station between 10:00 p.m. Friday and 4:00 a.m. Saturday, or between 10:00 p.m. Saturday and 4:00 a.m. Sunday. Evening peak readings at the Fernwell Building shall be addressed separately.

Section 7. Section 46.52.195 of the City of Spokane Traffic Code is amended to read as follows:

46.52.195 POST IMPOUND PROCEDURES. (1) The police officer so ordering the impounding shall immediately notify the towing agency or agent for towing and impounding such vehicle the location of same. Such towing agency or agent shall thereupon be authorized to seize such vehicle and remove it to a garage or proper place of safety as provided in Sections 46.52.180(2) or 46.61.565(11). A private firm providing such removal services shall post the authorized charges therefor prominently at its place of business.

~~((2) The Police Department shall keep a record of all vehicles impounded. Said information shall include the following, when available: manufacturer's trade name or make, motor number, serial number, state registration or license number, name of owner or other person claiming same, and such other descriptive matter as may identify such vehicle, the reasons for and the date of the impounding thereof, the final disposition thereof, and the date on which said vehicle was released and the towing and storage charges incurred by reason of the impounding thereof. Such reports shall be public records and shall be released upon proper inquiry.)~~

~~((3))~~ (2) Impoundment of a vehicle shall not preclude prosecution for any other civil or criminal violations on account of which the vehicle was impounded.

Section 8. Section 46.61.565 of the City of Spokane Traffic Code is amended to read as follows:

46.61.565 OFFICERS AUTHORIZED TO REMOVE VEHICLE IMMEDIATELY.
Any police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever any police officer finds a vehicle standing upon a roadway in violation of any of the provisions of Section 46.61.560, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway.

(2) Whenever any police officer finds a vehicle unattended upon any highway where the vehicle constitutes an obstruction to traffic, or jeopardizes public safety.

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident, or when the driver of any vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect his or her property.

(4) Whenever the driver or person in actual physical control of a vehicle is arrested and taken into custody by a police officer, and such driver or person, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property.

(5) Whenever any police officer finds a vehicle or device parked, angle parked, or so used as to endanger any user or potential user of any public street or way open to the public.

(6) Whenever any police officer finds any vehicle which is stolen or which is required by the Police Department for evidence of investigation, or which is unoccupied or unattended and in danger of being stripped or stolen; PROVIDED, that if a vehicle has been reported as stolen, the owner may request it not be towed upon recovery and such request shall be honored unless a vehicle is otherwise subject to impoundment.

(7) Whenever any police officer finds a vehicle stalled, disabled, unattended or unable to move under its own power on or in any public facility, including streets, roads or highways, tunnels, bridges or approaches thereto in the city, and such an occurrence is or may be a menace or obstruction to the safety of the general public.

(8) Whenever any police officer finds a vehicle operating upon the streets and highways of this city which is defective in equipment in such a manner that it is unsafe. Said vehicle shall be an unlawful vehicle and may be prevented from further operation until the equipment defect is corrected and satisfactorily passes inspection as directed by the Chief of Police or his designee.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of the equipment defect in the manner directed by any peace officer or representative of the State Commission on Equipment.

(9) Whenever any police officer finds a vehicle standing or parked in a place designated a "tow-away zone."

~~((9))~~ (10) Whenever any police officer finds a vehicle parked or used in violation of any of the following sections and subject to any additional conditions specified therein: Sections 46.61.544, 46.61.545, 46.61.552, 46.61.557, 46.61.558, 46.61.559, and 46.61.570(1)(a)(i), (iii), (iv), (v), (vi), (vii), (viii), (x), or Section 46.61.570(1)(b)(i) or (ii), PROVIDED, that in addition to the particular requirements of the sections listed, prior to the impoundment a reasonable effort under the circumstances shall be made to notify the registered owner or person in control of the vehicle by canvassing of the area, telephone, or other means.

~~((10))~~ (11) With respect to any of the above grounds for impoundment, if in the discretion of a police officer, a delay in the impoundment and removal of the vehicle would not unduly inconvenience or endanger the public safety and health, he may make or cause to be made efforts of notification of an identifiable owner. Such efforts of notification may include canvassing the area, telephone calls, or application of the twenty-four-hour notification sticker referenced in Section 46.52.170 or a shorter time period notification.

~~((11))~~ (12) Vehicles subject to impoundment under these or other sections of the Traffic Code are hereby declared to be public nuisances which may be summarily abated as provided herein or as specifically provided in each instance and except where prohibited by law. Nothing in this section shall derogate from the powers of police officers under the common law or powers exercised pursuant to a duly authorized court order or criminal warrant. For purposes of this section, a place of safety may include the business location of a registered disposer as required in RCW 46.52.102.

Section 9. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or its application to other persons or circumstances is not affected.

Section 10. This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

PASSED the City Council August 27, 1980

Attest:

Therilyn J. Montgomery
City Clerk

[Signature]
Mayor

Approved as to Form:

[Signature]
Ass't. Corporation Counsel