

ORDINANCE NO. 2257

ORDINANCE UPDATING PROVISIONS OF SELAH MUNICIPAL CODE WITH REGARD
TO UNLAWFUL PARKING

WHEREAS, the provisions of the Selah Municipal Code (SMC) that pertain to unlawful parking, including those that establish civil infraction penalty amounts for unlawful parking, have not been updated in some time; and

WHEREAS, City staff has recommended that numerous provisions of the SMC on such topic be updated, including substantive changes and also non-substantive housekeeping changes; and

WHEREAS, the City Council finds that good cause exists;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON does hereby ordain as follows:

Section 1. Amendment of SMC Section 8.70.020. That the title and body of SMC section 8.70.020 be and is amended – pursuant to and consistent with the regulatory power conferred on the City via the currently-existing versions of RCW 46.61.570(1)(c)(ii), RCW 46.63.020 (1st ¶), and other law including but not limited to the currently-existing version of Rule 6.2(c) of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) – to read and provide as shown in the following editing marks (which are included in this Ordinance for ease of reference, but which shall be removed when the codifiers publish the official updated version of SMC section 8.70.020 on the internet):

8.70.020 Parking of any vehicle prohibited at certain locations and on certain streets.

~~When signs are erected giving notice thereof, no person shall park a vehicle upon any street or parts of the following streets:~~

(a) Except temporarily for the purpose or purposes of and while actually engaged in loading or unloading property, picking up one or more passengers or discharging one or more passengers, or temporarily when necessary to avoid conflict with other traffic, or in compliance with law or the instruction of a police officer or an official traffic-control device, it shall be unlawful for a person to park or otherwise leave a vehicle, whether occupied or not, upon or within, fully or partially, at any place where an official sign, multiple official signs, a painted symbol or multiple painted symbols prohibit parking.

(b) Without negating or lessening the scope or effect of subsection (a), the city shall erect and replace when necessary official signage or painted symbols prohibiting the parking of vehicles upon or within, fully or partially, the following streets and locations:

- (1) First Street, North and South, either side;

- (2) Wenas Road, north of Naches Avenue, either side;
- (3) East and West Fremont Avenues, from North Wenas Road to North 14th Street, ~~either side~~both sides;
- (4) ~~(A)~~(A) Fremont Avenue, between North 14th Street and North 16th Street, north side;
- ~~(4)~~(5) Bartlett Avenue, ~~north~~either side, between First and Third Streets;
- ~~(5)~~(6) Third Street, west side, north of Bartlett Avenue;
- ~~(6)~~(7) Third Street, ~~west~~either side, Naches Avenue to ~~Park~~Southern Avenue;
- ~~(7)~~(8) Third Street, west side, Selah Avenue to Valleyview Avenue;
- ~~(8)~~(9) Fourth Street, either side, Naches Avenue to Fremont Avenue;
- ~~(9)~~(10) Fifth Street, west side, Riverview to Pleasant Avenue;
- ~~(10)~~(11) Naches Avenue, south side, Third to Fourth Street;
- ~~(11)~~(12) Pear Avenue, north side, North Tenth to North Eleventh Street;
- ~~(12)~~(13) Eleventh Street, east side, Fremont to Speyers Road;
- ~~(13)~~(14) Speyers Road, south side, Eleventh to Thirteenth;
- ~~(14)~~(15) East Goodlander, south side, North Park Drive east to the end of the pavement;
- ~~(15)~~(16) South Park Drive, ~~both sides~~either side, and North Park Drive, entirety of west side and portions of east side, all south of East Goodlander;
- ~~(16)~~(17) West Yakima Avenue, ~~both sides~~either side, west of 16th Street;
- ~~(17)~~(18) 16th Street, ~~both sides~~either side, West Yakima Avenue to ~~Cedar Lane~~West First Avenue;
- ~~(18)~~(19) North Fourth Street, ~~both sides~~either side, 100 feet north of West Fremont Avenue;
- ~~(19)~~(20) East side of North Third Street from Fremont to Bartlett;
- ~~(20)~~(21) Larson Drive, ~~both sides~~either side, from North Wenas Road to South Park Drive;
- ~~(21)~~(22) East Goodlander Road, ~~both sides~~either side, from North First Street to North Wenas Road;
- ~~(22)~~(23) Dwinell Drive, ~~both sides~~either side;
- ~~(23)~~(24) Third Street, east side, between Naches Avenue and Selah Avenue;
- ~~(24)~~(25) Bartlett Avenue, south side, between First Street and Third;
- ~~(25)~~(26) Friday Point Place, ~~both sides~~either side;
- ~~(26)~~(27) West Goodlander, ~~both sides~~either side, from North First Street to Lander Road;
- ~~(27)~~(28) Third Street, ~~both sides~~either side, from Valleyview Avenue to Southern Avenue;
- ~~(28)~~(29) Test Drive Lane, ~~both sides~~either side, from Eleventh Avenue south to the terminus of Test Drive Lane.

(c) Any person or entity who violates subsection (a) shall be liable for a civil infraction and shall owe a monetary penalty not exceeding two hundred fifty dollars per each 24-hour occurrence or portion thereof, exclusive of any applicable

statutory assessments and court fees; provided however, that conduct that constitutes a criminal traffic offense may be charged as such and if so shall be subject to the maximum penalties allowed for such offense.

Section 2. Amendment of Title to SMC Chapter 8.70. That the title of SMC Chapter 8.70 be and is amended – pursuant to and consistent with the regulatory power conferred on the City via the currently-existing versions of RCW 46.61.570(1)(c)(ii), RCW 46.63.020 (1st ¶), and other law including but not limited to the currently-existing version of Rule 6.2(c) of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) – to read and provide as shown in the following editing marks (which are included in this Ordinance for ease of reference, but which shall be removed when the codifiers publish the official updated version of SMC Chapter 8.70 on the internet):

Chapter 8.70

Schedule of Designated Streets Referred to in City's Model Traffic Ordinance;
Related Rules of the Road; and Related Parking Restrictions

Section 3. Adoption of New SMC Section 8.70.017. That a new SMC section 8.70.017 be and is adopted – pursuant to and consistent with the regulatory power conferred on the City via the currently-existing versions of RCW 46.61.570(1)(c)(ii), RCW 46.63.020 (1st ¶), and other law including but not limited to the currently-existing version of Rule 6.2(c) of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) – to read and provide as follows (with the full text in double-underlined editing marks because all the language is new, but which editing marks shall be removed when the codifiers publish the official version of SMC section 8.70.017 on the internet):

8.70.017 Cross-Reference to Additional Parking Restrictions

In addition to the parking restrictions set forth within this SMC Chapter 8.70, additional parking restrictions are set forth within SMC Chapter 8.71.

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8.70.030 Parking of certain vehicle types (e.g., motorhomes) prohibited at certain locations and on certain streets.

(1) Naches Avenue, south side, First Street to Wenas Road;

(b) Any person or entity who violates subsection (a) shall be liable for a civil infraction and shall owe a monetary penalty not exceeding two hundred fifty dollars per each 24-hour occurrence or portion thereof, exclusive of any applicable statutory assessments and court fees; provided however, that conduct that constitutes a criminal traffic offense may be charged as such and if so shall be subject to the maximum penalties allowed for such offense.

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Section 6. Amendment of SMC Section 8.70.035. That the title and body of SMC section 8.70.035 be and is amended – pursuant to and consistent with the regulatory power conferred on the City via the currently-existing versions of RCW 46.61.570(1)(c)(ii), RCW 46.19.050(4)&(6), and other law including but not limited to the currently-existing version of Rule 6.2(c) of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) – to read and provide as shown in the following editing marks (which are included in this Ordinance for ease of reference, but which shall be removed when the codifiers publish the official updated version of SMC section 8.70.035 on the internet):

8.70.035 ~~Infraction to park in handicapped parking place without special permit.~~ Illegal parking in space, on private property or public property, that is reserved for persons with physical disabilities – lack of placard or special license plate, or failure to fully display placard or special license plate.

~~It is a traffic infraction, with a monetary penalty of fifty dollars, for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate, card, or decal specifically allowing the driver of the vehicle to park in a handicapped parking place. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance a special license plate, card or decal required under this section or demonstrates that the person was entitled to the special license plate, card or decal.~~

(a) It is a parking infraction for any person or entity to park or otherwise leave a vehicle, fully or partially, within or upon a parking stall, space or place – whether located on private property and available for use without charge, or on public property – when such stall, space or place is reserved for use by persons with physical disabilities, when official signage or painted symbols provide notice that it is so reserved, and when the person or entity does not possess a valid placard or special license plate, issued under RCW Chapter 46.19 or any future statute following any amendment, addition or recodification that the state government enacts or effectuates, that gives the person or entity the right to use the stall, space or place.

(i) If a person or entity is charged with a violation of subsection (a), the person or entity will not be determined to have committed a violation if the person or entity establishes – prior to the court appearance – that the person or entity operating the vehicle or being transported in the vehicle had, at the time of operation or transport, a valid placard, special license plate, or special year tab issued under and as required under RCW Chapter 46.19 or any future statute following any amendment, addition or recodification that the state government enacts or effectuates. The person or entity must sign a statement under penalty of perjury that the placard, special license plate, or special year tab was valid at the time of operation or transport, and that it was issued under and as required under RCW Chapter 46.19 or any future

(b) It is a parking infraction for any person or entity to fail to fully display a placard or special license plate issued under RCW Chapter 46.19 while a vehicle under the person's or entity's control is parked, fully or partially, within or upon a parking stall, space or place – whether located on private property and available for use without charge, or on public property – when such stall, space or place is reserved for use by persons with physical disabilities.

(ii) If a person or entity is charged with a violation of subsection (b), the person or entity will not be determined to have committed a violation if the person or entity produces in court or before the court appearance a valid identification card issued to the person or entity under RCW 46.19.010 or any future statute following any amendment, addition or recodification that the state government enacts or effectuates.

(c) Any person or entity who violates subsection (a) or (b) shall be liable for a civil infraction and shall owe a monetary penalty not exceeding two hundred fifty dollars per each 24-hour occurrence or portion thereof, exclusive of any applicable statutory assessments and court fees; provided however, that conduct that constitutes a criminal traffic offense may be charged as such and if so shall be subject to the maximum penalties allowed for such offense.

(d) As of the enactment of this section, the applicable state statutory assessment for any violation of subsection (a) or (b) is two hundred dollars per occurrence, according to the then-existing version of RCW 46.19.050(4)&(6). If a different applicable state statutory assessment is subsequently established, it shall be applicable.

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Section 8. Amendment of SMC Section 8.70.050. That the title and body of SMC section 8.70.050 be and is amended – pursuant to and consistent with the regulatory power conferred on the City via the currently-existing versions of RCW 46.61.570(1)(c)(ii), RCW 46.63.020 (1st ¶), and other law including but not limited to the currently-existing version of Rule 6.2(c) of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) – to read and provide as shown in the following editing marks (which are included in this Ordinance for ease of reference, but which shall be removed when the codifiers publish the official updated version of SMC section 8.70.050 on the internet):

8.70.050 ~~Special designated parking.~~ Illegal parking in specially designated stalls.

~~(a) When signs are erected giving~~ When official signage or painted symbols give notice thereof, no person or entity shall park or otherwise leave a vehicle, fully or partially, within or upon a special designated parking stall, space or stallsplace. Special designated parking stalls are approved only by the Selah city council through modification of Section 8.07.050 which will list those parking spaces so designated. The approved special designated parking stalls are: None. Only the city council, via an ordinance, may create a specially designated parking stall, space or place, and any that are created shall be listed within sub-subsection (i) below.

(i) The list of specially designated parking stalls, spaces and places is as follows:

(A) all parking stalls, spaces and places located at the police station property upon either Yakima County Assessor's Parcel number 181301-23404, 181301-23405 or 181301-23406 are reserved for exclusive use, during all hours of the day, for: (1) city employees and agents, who shall have first priority of usage; (2) employees, invitees and customers of the business lawfully conducted upon parcel number 181301-23404, who shall have second priority of usage; and (3) members of the public while they are temporarily conducting business within the police department, who shall have third priority of usage;

(B) all parking stalls, spaces and places located behind (to the north) of city hall upon either Yakima County Assessor's Parcel number 181435-41404 or number 181435-41405 are reserved for exclusive use, during business hours, for: (1) city employees and agents, who shall have first priority of usage; and (2) members of the public while they are temporarily conducting business within city hall, who shall have second priority of usage;

(C) all parking stalls, spaces and places located upon any property where a city fire department building exists are reserved for exclusive use, at all hours of the day, for: (1) city employees and agents, who shall have first priority of usage; and (2) members of

(D) all parking stalls, spaces and places located within the parking lot in front (to the east) of the public works building upon Yakima County Assessor's Parcel number 181436-34018 are reserved for exclusive use, during all hours of the day, for: (1) city employees and agents, who shall have first priority of usage; and (2) members of the public while they are temporarily conducting business within city hall, who shall have second priority of usage; and

(b) Any person or entity who violates subsection (a) shall be liable for a civil infraction and shall owe a monetary penalty not exceeding two hundred fifty dollars per each 24-hour occurrence or portion thereof, exclusive of any applicable statutory assessments and court fees; provided however, that conduct that constitutes a criminal traffic offense may be charged as such and if so shall be subject to the maximum penalties allowed for such offense.

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Section 9. Amendment of SMC Section 8.70.055. That the title and body of SMC section 8.70.055 be and is amended – pursuant to and consistent with the regulatory power conferred on the City via the currently-existing versions of RCW 46.61.570(1)(c)(ii), RCW 46.63.020 (1st ¶), and other law including but not limited to the currently-existing version of Rule 6.2(c) of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) – to read and provide as shown in the following editing marks (which are included in this Ordinance for ease of reference, but which shall be removed when the codifiers publish the official updated version of SMC section 8.70.055 on the internet):

8.70.055 Parking stalls.~~Illegal parking in restricted use parking stalls (i.e., stalls for midsize vehicles, compact vehicles, motorcycles, and for electric vehicles).~~

~~When signs are erected giving notice thereof, the following acts are prohibited:~~

~~(1) — No person shall park a motor vehicle in excess of eighteen feet in length anywhere in the city if a signed is erected restricting the parking stall to “midsize cars.”~~

~~(2) — No person shall park a motor vehicle in excess of sixteen feet in length anywhere in the city if a sign is erected restricting the parking stall to “compact cars.”~~

~~(3) — No person shall park any motor vehicle, other than a motorcycle, in any parking stall restricted to motorcycle parking only.~~

~~(4) — Any person violating any provisions of this section is guilty of a civil infraction and upon conviction shall be punished by a fine not to exceed fifty dollars for each twenty-four hour period that the parking infraction occurs.~~

(a) When official signage or painted symbols give notice thereof, no person or entity shall park or otherwise leave a vehicle that exceeds eighteen feet in length so as to be, fully or partially, within or upon a parking stall, space or place that is restricted to “midsize” vehicles.

(b) When official signage or painted symbols give notice thereof, no person or entity shall park or otherwise leave a vehicle that exceeds sixteen feet in length so as to be, fully or partially, within or upon a parking stall, space or place that is restricted to “compact” vehicles.

(c) When official signage or painted symbols give notice thereof, no person or entity shall park or otherwise leave any vehicle other than a vehicle that qualifies as a motorcycle for parking purposes so as to be, fully or partially, within or upon a parking stall, space or place that is restricted to “motorcycle” vehicles.

(d) When official signage or painted symbols give notice thereof, no person or entity shall park or otherwise leave any non-electric vehicle so as to be, fully or partially, within or upon a parking stall, space or place that is restricted to electric vehicles.

(e) Any person or entity who violates subsection (a), (b), (c) or (d) shall be liable for a civil infraction and shall owe a monetary penalty not exceeding two hundred fifty dollars per each 24-hour occurrence or portion thereof, exclusive of any applicable statutory assessments and court fees; provided however, that conduct that constitutes a criminal traffic offense may be charged as such and if so shall be subject to the maximum penalties allowed for such offense.

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8.71.005 Cross-Reference to Parking Restrictions Related to the City's Model Traffic Ordinance

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8.71.007 Illegal parking in fire lanes, blocking fire access or at a location exclusively intended for government use.

(b) Any person or entity who violates subsection (a) shall be liable for a civil infraction and shall owe a monetary penalty not exceeding two hundred fifty dollars per each 24-hour occurrence or portion thereof, exclusive of any applicable statutory assessments and court fees; provided however, that conduct that constitutes a criminal traffic offense may be charged as such and if so shall be subject to the maximum penalties allowed for such offense.

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8.71.008 Illegal parking outside of a parking stall, including within city parks.

(b) Any person or entity who violates subsection (a) shall be liable for a civil infraction and shall owe a monetary penalty not exceeding two hundred fifty dollars per each 24-hour occurrence or portion thereof, exclusive of any applicable statutory assessments and court fees; provided however, that conduct that constitutes a criminal traffic offense may be charged as such and if so shall be subject to the maximum penalties allowed for such offense.

[illegible]

Section 14. Amendment of SMC Section 8.71.010. That the title and body of SMC section 8.71.010 be and is amended – pursuant to and consistent with the regulatory power conferred on the City via the currently-existing versions of RCW 46.61.570(1)(c)(ii), RCW 46.63.020 (1st ¶), and other law including but not limited to the currently-existing version of Rule 6.2(c) of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) – to read and provide as shown in the following editing marks (which are included in this Ordinance for ease of reference, but which shall be removed when the codifiers publish the official updated version of SMC section 8.71.010 on the internet):

8.71.010 Overnight parking prohibited in residential areas. Overnight parking restrictions for residential zones.

~~It is unlawful to park or otherwise leave overnight on any public right-of-way, the following items: (a) all types of trailers designed to be drawn by a motor vehicle; (b) buses and trucks used for commercial purposes in whole or in part, excluding pickup or panel trucks of one ton or less rated capacity, and excluding those vehicles involved in the expeditious loading and unloading of articles and materials or on regular service calls; (c) farm and associated agricultural implement machinery, trailers and vehicles; (d) recreational vehicles, to include but not limited to, motor homes, travel trailers, and boats of any size.~~

(a) Whether or not official signage or painted symbols are present to provide notice, it is a parking infraction for any person or entity to park or otherwise leave a vehicle overnight so as to be, fully or partially, within or upon any public right-of-way – including but not limited to on a street adjacent to such person’s or entity’s real property – within a residential zone if such vehicle is a:

- (i) bus;
- (ii) motorhome, or camper van that exceeds eighteen feet in length;
- (iii) trailer;
- (iv) boat or watercraft;
- (v) airplane or aircraft;
- (vi) used or designed for use, in whole or in part, for commercial or business purposes; unless the vehicle is a car, pickup truck or panel truck not exceeding a one-ton capacity rating, and, in such case, no person or entity may park or leave more than two commercial or business vehicles within or upon a public-right-way overnight;
- (vii) recreational vehicle that does not meet the definition of “Wheeled all-terrain vehicle” set forth within SMC section 8.77.010; or
- (viii) used or designed for use, in whole or in part, for construction, industrial, mining or forestry purposes.

(b) Any person or entity who violates subsection (a) shall be liable for a civil infraction and shall owe a monetary penalty not exceeding two hundred fifty dollars per each 24-hour occurrence or portion thereof, exclusive of any applicable statutory assessments and court fees; provided however, that conduct that constitutes a criminal traffic offense may be charged as such and if so shall be subject to the maximum penalties allowed for such offense.

Section 16. Amendment of SMC Section 8.71.020. That the title and body of SMC section 8.71.020 be and is amended – pursuant to and consistent with the regulatory power conferred on the City via the currently-existing versions of RCW 46.61.570(1)(c)(ii), RCW 46.63.020 (1st ¶), and other law including but not limited to the currently-existing version of Rule 6.2(c) of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) – to read and provide as shown in the following editing marks (which are included in this Ordinance for ease of reference, but which shall be removed when the codifiers publish the official updated version of SMC section 8.71.020 on the internet):

8.71.020 ~~Parking nuisance prohibited.~~Parking that constitutes a nuisance is prohibited in all zones.

~~It is unlawful to park or otherwise leave on any street in any zoning district within the city all types of vehicles, including recreation, which are parked in such a way as to constitute a traffic hazard or a public nuisance defined as violating any of the provisions of RCW 46.61.570, as determined by investigation of a city of Selah police officer. It is not necessary that restricted parking or other traffic signs be erected for the purpose of enforcing this section.~~

(a) Whether or not official signage or painted symbols are present to provide notice, it is a parking infraction for any person or entity to park or otherwise leave a vehicle, fully or partially, within or upon any public right-of-way – including but not limited to on a street adjacent to such person’s or entity’s real property – within any zone if such vehicle parked or situated in such as a way as to constitute, or if the physical characteristics of such vehicle constitute, a nuisance because:

(i) the vehicle’s location or characteristics violate a provision of the SMC, including but not limited to those set forth within SMC section 6.75.060(d)&(e) or SMC Chapter 8.80;

(ii) the vehicle’s location or characteristics violate a provision of RCW Title 46 as it presently exists or is later amended, which RCW Title is hereby adopted by reference and incorporated within this section of the SMC; or

(iii) the vehicle’s location or characteristics violate a provision of RCW Chapter 7.48 as it presently exists or is later amended, which RCW Chapter is hereby adopted by reference and incorporated within this section of the SMC.

(b) Any person or entity who violates subsection (a) shall be liable for a civil infraction and shall owe a monetary penalty not exceeding two hundred fifty dollars per each 24-hour occurrence or portion thereof, exclusive of any applicable statutory assessments and court fees; provided however, that conduct that constitutes a criminal traffic offense may be charged as such and if so shall be subject to the maximum penalties allowed for such offense.


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Section 18. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 19. Corrections. The City Attorney and the codifiers of the SMC are authorized to make any necessary or desirable clerical or formatting changes – including but not limited to correcting scrivener errors; changing formatting; eliminating bold, italic and underscore emphasis; changing numbering; and correcting references – when publishing or republishing the official text of any section(s), chapter(s), title(s) or other portion(s) of the SMC due to any amendment, addition, alteration, change, impact or enactment effectuated by this Ordinance.

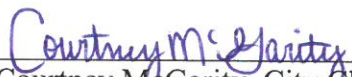
Section 20. Publishing & Effective Date. Consistent with RCW 35A.12.130 (3rd ¶) and .160 (1st and 2nd ¶¶), this Ordinance or a summary of it shall be published at least once in the City's official newspaper prior to the Ordinance taking effect.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,
WASHINGTON this 28th day of October, 2025.



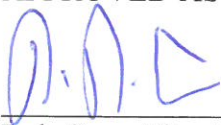
Roger Bell, Mayor

ATTEST:



Courtney McGarity, City Clerk

APPROVED AS TO FORM:



Rob Case, City Attorney