

Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Model Traffic Ordinance**
- 10.08 Parking Regulations**
- 10.10 Resale of City Parking Privileges**
- 10.12 Law Enforcement at State Ferry Terminal and on State Ferries**
- 10.16 Senior Citizen Mobility Program**
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Chapter 10.04

MODEL TRAFFIC ORDINANCE

Sections:

10.04.010 Adoption by reference.

10.04.020 Sections not adopted.

10.04.025 Additional statutes adopted by reference.

10.04.030 –

10.04.060 Repealed.

10.04.070 Violation – Penalty.

10.04.080 Repealed.

10.04.010 Adoption by reference.

The Washington Model Traffic Ordinance, Chapter 308-330 WAC, referred to in this chapter as the "MTO," and RCW 46.29.610, 46.29.620, 46.61.520, and 47.36.130 are adopted by reference as and for the traffic ordinance of this city as if set forth in full herein, except as provided in BIMC 10.04.020. (Ord. 94-17 § 1, 1994)

10.04.020 Sections not adopted.

The following sections of the MTO are not adopted by reference and are expressly deleted:

WAC

308-330-142	308-330-525
308-330-145	308-330-530
308-330-148	308-330-535
308-330-172	308-330-540
308-330-250	308-330-600
308-330-255	308-330-610
308-330-500	308-330-620
308-330-505	308-330-630
308-330-510	308-330-640
308-330-515	308-330-650
308-330-520	308-330-660

(Ord. 94-17 § 2, 1994)

10.04.025 Additional statutes adopted by reference.

The following statutes of the state of Washington, as presently existing or hereafter amended, are adopted by reference as if set forth in full herein:

Chapter 139, Laws of 1994.

Chapter 275, Sections 4, 5, 6, 7, 10, 11, and 12, Laws of 1994.

RCW 46.20.730, as amended by Chapter 275, Section 23, Laws of 1994. (Ord. 94-19 § 8, 1994)

10.04.030 Filing of ordinance.

Repealed by Ord. 94-17. (Ord. 92-25 § 1, 1992)

10.04.040 Definition of public highway.

Repealed by Ord. 94-17. (Ord. 92-25 § 1, 1992)

10.04.050 Disposition of traffic fines and forfeitures.

Repealed by Ord. 94-17. (Ord. 92-25 § 1, 1992)

10.04.060 Official misconduct.

Repealed by Ord. 94-17. (Ord. 92-25 § 1, 1992)

10.04.070 Violation – Penalty.

A. Any person found to have committed an act designated a traffic infraction under the provisions of Title 46 RCW or the MTO, as adopted by reference in this chapter, shall be punished by a fine of not more than \$250.00.

B. Unless another penalty is expressly provided by law in the MTO or in the statutes that are adopted by reference therein any person found to have committed an act designated a misdemeanor under the provisions of Title 46 RCW or the MTO, as adopted by reference in this chapter, shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than 90 days or both.

C. Unless another penalty is expressly provided by law in the MTO or in the statutes that are adopted by reference therein, any person found to have committed an act designated a criminal offense other than a misdemeanor under the provisions of Title 46 RCW or the MTO, as adopted by reference in this chapter, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than one year or both. (Ord. 94-17 § 3, 1994)

10.04.080 Cutting corners – Prohibited.

Repealed by Ord. 94-17. (Ord. 92-25 § 1, 1992)

Chapter 10.08

PARKING REGULATIONS*

Sections:

- 10.08.010 Regulations applicable to designated parking areas in the city.**
- 10.08.020 Back in only.**
- 10.08.030 Loading zone.**
- 10.08.040 Disabled loading.**
- 10.08.050 Disabled parking only.**
- 10.08.060 No parking.**
- 10.08.070 Restricted carpool.**
- 10.08.080 Monthly parking.**
- 10.08.085 Employee parking.**
- 10.08.087 Employee parking program.**
- 10.08.090 Carpool and monthly parking.**
- 10.08.100 Areas where signs posted.**
- 10.08.110 Areas where parking fee collection boxes installed.**
- 10.08.120 Taxi zone.**
- 10.08.130 Bus zone.**
- 10.08.140 Bicycle parking.**
- 10.08.150 Motorcycle parking.**
- 10.08.155 Parking within fire lane prohibited.**
- 10.08.160 Areas limited to designated vehicles.**
- 10.08.170 Illegal parking defined.**
- 10.08.180 Regulations applicable to stopping and parking in all areas of the city.**
- 10.08.190 Adoption by reference.**
- 10.08.200 Additional general regulations.**
- 10.08.210 Administration.**
- 10.08.220 Revocation of carpool permits.**
- 10.08.230 Revocation of monthly parking permits.**
- 10.08.240 Registered owner's responsibility.**
- 10.08.250 Penalties.**

*Parking fees are on file in the city clerk's office.

10.08.010 Regulations applicable to designated parking areas in the city.

The regulations set forth in BIMC 10.08.020 through 10.08.160 regarding the stopping, standing and parking of vehicles shall apply to the areas described in each section. (Ord. 93-12 § 2, 1993)

10.08.020 Back in only.

In areas designated "Back in Only," vehicles must be backed into available parking places. (Ord. 93-12 § 2, 1993)

10.08.030 Loading zone.

In areas designated "Loading Zone," no vehicle shall stop, stand or be parked for any purpose or period of time other than for expeditious loading or unloading. (Ord. 93-12 § 2, 1993)

10.08.040 Disabled loading.

In areas designated "Disabled Loading," no vehicle shall stop, stand or be parked for any purpose or period of time other than for the expeditious loading or unloading of disabled passengers for a reasonable period of time. (Ord. 93-12 § 2, 1993)

10.08.050 Disabled parking only.

In areas designated "Disabled Parking Only," no vehicle shall be parked unless it bears a valid decal or other official mark identifying the vehicle as one driven by or otherwise used for the transportation of a disabled person and unless the vehicle complies with all other parking regulations set forth in this chapter except time limitations and the payment of parking fees. (Ord. 93-12 § 2, 1993)

10.08.060 No parking.

In areas designated "No Parking," the parking of any vehicle is prohibited. (Ord. 93-12 § 2, 1993)

10.08.070 Restricted carpool.

In areas designated "Restricted Carpool," no vehicle shall be parked before 8:45 a.m. on Monday through Friday, unless:

A. A valid carpool permit issued by the city is displayed on the inside lower left-hand corner of the windshield in such a manner that the carpool permit number and expiration date are visible from the outside of the vehicle;

B. The car is parked in the space assigned to the carpool permit; and

C. Two or more adults are in the car at the time it is parked in the assigned space. If the carpool is reduced to less than two adults, the car shall be parked in a noncarpool space and pay the appropriate parking fee for that noncarpool space. For purposes of this section, an adult is a person 16 years of age or older. (Ord. 96-24 § 1, 1996; Ord. 93-12 § 2, 1993)

10.08.080 Monthly parking.

In the areas designated "Monthly Parking," no vehicle shall be parked before 9:00 a.m. on Monday through Friday unless a current, valid monthly parking permit issued by the city is displayed on the inside lower left-hand corner of the windshield in such a manner that the monthly parking permit number and expiration date are visible from the outside of the vehicle. (Ord. 93-12 § 2, 1993)

10.08.085 Employee parking.

A. In all areas designated for "Employee Parking," any vehicle properly displaying a valid employee parking permit issued by the city, or its designee, and complying with all rules and regulations governing the employee parking program is authorized to exceed the posted parking hours.

B. The following areas are designated for employee parking in the city:

1. The city-owned gravel lot north of Winslow Way;

2. Designated parking on Brien and Bjune Avenues. (Ord. 99-59 § 1, 1999; Ord. 95-20 § 1, 1995)

10.08.087 Employee parking program.

A. Administration of Employee Parking Program. The city manager is authorized to contract with the Bainbridge Island Chamber of Commerce or another entity to serve as the city's designated agency for the administration of the city's employee parking program,

including issuance of permits, collection of permit fees, and oversight of program usage, on behalf of the city. The contract shall allow the designated agency to recover from such fees only its reasonable costs for administering the program. The designated agency shall establish reasonable written rules or policies necessary for the effective administration of the program, including the assignment and distribution of such permits; provided, that any rules and policies, and the permissible locations for parking under the program (which may be revised from time to time), must be approved by the city manager in a contract and be consistent with this section.

B. Participation in Employee Parking Program.

1. All mixed use town center commercial property owners and businesses with a valid city business license may participate in the city's employee parking program.

2. Each commercial property owner or licensed business wishing to participate in the employee parking program shall submit the following information when making an application for a permit or a renewal:

a. The name and address of the commercial property owner or business;

b. For commercial property owners applying to participate, a complete list of all tenants located at the commercial property with employees who will be assigned an employee parking permit;

c. The name of each employee that will be assigned an employee parking permit;

d. The make, year, color and license plate number of each participating employee's vehicle;

e. A statement, signed by the commercial property owner or the authorized representative of the licensed business that the commercial property owner or licensed business shall: (1) comply with the employee parking regulations; (2) guarantee that all persons being issued a permit have received, read and signed a copy of the employee parking regulations; (3) maintain a current, accurate record of employee parking permits issued to the commercial property owner's tenants or the employees of the business; and (4) post the

employee parking regulations and a map depicting the location of employee parking on the premises of the commercial property or licensed business; and

f. A true and correct copy of a valid business license for each of the commercial property owner's tenants that will be issued an employee parking permit, or for the business applying to participate in the employee parking program.

3. Upon confirmation that an eligible commercial property owner or licensed business has submitted a complete and accurate employee parking participation form and has paid a fee in the amount agreed in the contract, the city's designated agency shall issue employee parking permits to the commercial property owner or the licensed business. The designated agency shall have the discretion to determine the number of parking permits issued to or renewed for each commercial property owner or licensed business, based on the number of permits requested by the commercial property owner or licensed business and on the availability of parking in the areas designated for employee parking. Notwithstanding the above, the fee for the period from November 1, 2010, to April 30, 2011, shall be \$20.00 per vehicle.

4. Employee parking permits shall be valid for six-month periods. Employee parking permits may be renewed for six-month periods in accordance with the procedures for obtaining an original employee parking permit. The fee shall be prorated by sixths for an initial period of months less than six.

C. Employee Parking Regulations. All persons using an employee parking permit shall comply with the following:

1. Persons using an employee parking permit shall properly display a current, valid employee parking permit in the lower left side of the vehicle's windshield, in accordance with the rules and regulations established by this section and by the designated agency.

2. Persons using an employee parking permit shall park in designated employee parking areas only.

3. Persons using an employee parking permit shall not park in an employee parking

designated area unless the person is actually working at the participating business or property at the time.

4. Persons using an employee parking permit shall not park in an employee parking designated area while traveling outside of the city, unless the travel is work-related, and the work originates from and concludes at the participating business or property within a 24-hour period.

5. Individual employees shall not transfer an employee parking permit to another person. Participating commercial property owners or businesses may transfer an employee parking permit from one employee to another.

6. All persons assigned an employee parking permit shall acknowledge receipt of the employee parking regulations and a city-approved map depicting the employee parking areas, agree to review posted employee parking regulations at least monthly, and comply with any temporary rules and regulations posted by the city, the designated agency or the participating business or property owner.

D. Violations. An individual who violates any of the provisions of this section shall be liable for a civil infraction. Additionally, any commercial property owner or business that violates any of the provisions of this section shall not be permitted to participate in the employee parking program. Such owner or business shall not be issued employee parking permits and shall return any employee parking permits previously issued to the commercial property owner or business. (Ord. 2010-40 § 1, 2010: Ord. 99-59 § 3, 1999)

10.08.090 Carpool and monthly parking.

At all times not governed by BIMC 10.08.070 and 10.08.080, no vehicle may park in a "Carpool" or "Monthly Parking" space unless there has been deposited in the applicable parking fee collection box, in the appropriate slot, in United States currency, check or money order, the appropriate parking fee designated by the city by resolution or ordinance. (Ord. 93-12 § 2, 1993)

10.08.100 Areas where signs posted.

A. In areas for which a sign has been posted limiting the hours during which parking is permitted or limiting the duration of time for which vehicles may park, it shall be unlawful for any person to park a vehicle within any such designated area for a longer period than is allowed by the posted limitation or duration. Failure to comply with this subsection shall constitute "overtime parking." Each subsequent period of time posted on the sign which lapses following affixation to a vehicle of a notice of overtime parking shall constitute a further violation of this section.

B. It shall be unlawful for any person to move a vehicle from one parking space to another parking space for the purpose of evading time limitations on parking or for any person to move and repark a vehicle on either side of a street within the same block after the vehicle has been marked pursuant to subsection C of this section.

C. In checking for overtime parking, police officers and designated traffic control officers are authorized to use chalk marks on the tires of parked vehicles or any other identifying mark that does not deface the vehicle. It shall be unlawful for any person to erase or obliterate such mark for the purpose of interfering with such checking for overtime parking.

D. In areas for which a sign has been posted limiting the hours during which stopping or standing is permitted or limiting the duration of time for which vehicles may stop or stand, it shall be unlawful for any person to stop or stand a vehicle within any such designated area for a longer period than is allowed by the posted limitation or duration. (Ord. 2003-06 § 1, 2003; Ord. 93-12 § 2, 1993)

10.08.110 Areas where parking fee collection boxes installed.

In areas for which parking fee collection boxes have been installed, no vehicle shall be parked during the hours for which parking fees are charged unless there has been deposited in the applicable parking fee collection box, in the appropriate slot, in United States currency,

check or money order, the appropriate parking fee as designated by the city by resolution or ordinance.

A. For vehicles parked in the city parking lot at the Washington State Ferry Terminal, the parking fee collection box located at the southern end of the parking lot shall be deemed the applicable parking fee collection box. Any person wishing to park two or more consecutive 24-hour periods in the city parking lot at the Washington State Ferry Terminal may do so only after making prior arrangements with the city for payment of all applicable parking fees.

B. For purposes of those vehicles parked in the Civic Center Parking Lot, the parking fee collection box located at the southern end of the parking lot shall be deemed the applicable parking fee collection box.

C. For purposes of those vehicles parked on Bjune and Brien Drives, the parking fee collection box located at the east intersection of Bjune Drive and Brien Drives shall be deemed to be the applicable parking fee collection box.

D. Failure to comply with this section shall constitute "overtime parking." (Ord. 2003-06 § 2, 2003; Ord. 93-12 § 2, 1993)

10.08.120 Taxi zone.

In areas designated "Taxi Zone," no vehicle other than a taxi shall stop, stand or be parked for any purpose or period of time. Taxis may stop, stand, or park in these areas solely for the expeditious loading and unloading of passengers. (Ord. 93-12 § 2, 1993)

10.08.130 Bus zone.

A. In areas designated "Bus Zone," no vehicle other than a bus shall stop, stand or be parked for any purpose or period of time. Buses may stop, stand, or park in these areas solely for the expeditious loading and unloading of passengers.

B. For purposes of this section, the term "bus" shall mean:

1. Any motor vehicle used for the purpose of carrying passengers together with incidental baggage or freight, on a regular schedule of time and rates; or

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2. Any motor vehicle designed for the purpose of carrying passengers (having a seating capacity for 11 or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious, or charitable purpose; or

3. Any school bus. (Ord. 93-12 § 2, 1993)

10.08.140 Bicycle parking.

In areas designated "Bicycle Parking," only bicycles shall be permitted to stop, stand or be parked. For purposes of this section, "bicycle" means any device capable of being propelled solely by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter. (Ord. 93-12 § 2, 1993)

10.08.150 Motorcycle parking.

In areas designated "Motorcycle Parking," only motorcycles and mopeds shall stop, stand or park. For purposes of this section, "motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped. For purposes of this section, "moped" means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power and a motor with a cylinder displacement not exceeding 50 cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground, and the wheels of which are at least 16 inches in diameter. (Ord. 93-12 § 2, 1993)

10.08.155 Parking within fire lane prohibited.

A. No person shall permit or allow a motor vehicle to park within or obstruct a fire lane.

B. For purposes of this section, "fire lane" means an area on public or private property reserved for providing the fire department access to structures, firefighting fixtures or

equipment for emergency vehicles. Designation of fire lane locations shall be designated by both the fire marshal and the city engineer. (Ord. 2000-23 § 2, 2000; Ord. 2000-18 § 1, 2000. Formerly 10.08.185)

10.08.160 Areas limited to designated vehicles.

In areas for which a sign has been posted limiting parking to certain types of vehicles, no vehicle other than the designated vehicle shall stop, stand or be parked for any purpose or period of time. (Ord. 93-12 § 2, 1993)

10.08.170 Illegal parking defined.

The failure to comply with the regulations set forth in BIMC 10.08.020 through 10.08.160 shall constitute "illegal parking." (Ord. 93-12 § 2, 1993)

10.08.180 Regulations applicable to stopping and parking in all areas of the city.

A. No vehicle shall stop, stand or park in such a manner as to impede traffic. "Impede traffic" shall be defined as the stopping, standing or parking of a vehicle in such a manner as to interfere with, obstruct or stop the lawful passage of pedestrians or other vehicles. Failure to comply with this subsection shall constitute "impeding traffic."

B. No vehicle shall stop, stand or park in any parking area designated by lines or marks in any manner that the vehicle extends over or across any such line or mark or in such manner that the vehicle is not within the area so designated by such lines or marks. Failure to comply with this subsection shall constitute "improper parking."

C. No vehicle shall stop, stand or park in any designated or nondesignated parking space in such a manner that the vehicle faces oncoming traffic. Failure to comply with this subsection shall constitute "wrong way" parking.

D. No vehicle shall stop, stand or park on any city owned property except in areas which have been clearly identified by the city by sign, painted lines or other marking as parking spaces. (Ord. 93-12 § 2, 1993)

10.08.190 Adoption by reference.

The following statutes of the state of Washington are adopted by reference:

RCW

- 46.61.570 Stopping, standing or parking prohibited in specified places – Reserving portion of highway prohibited.
- 46.61.575 Additional parking regulations.
- 46.61.581 Indication of parking space for disabled persons – Failure, penalty.
- 46.61.582 Free parking for disabled persons.
- 46.61.583 Special plate, card or decal issued by another jurisdiction.

(Ord. 93-12 § 2, 1993)

10.08.200 Additional general regulations.

A. No person shall deposit or cause to be deposited in any parking fee collection box any slug, button, foreign currency, or any other device or substance as a substitute for currency of the United States, check or money order. Failure to comply with this subsection shall constitute “illegal use,” and any items so deposited will not be credited toward payment of the applicable parking fee.

B. No person shall duplicate or falsify any carpool parking permit or monthly parking permit issued by the city.

C. Compliance with the provisions of this section shall not relieve any person from compliance with the provisions of any other Bainbridge Island ordinances prohibiting or regulating the stopping, standing or parking of vehicles. (Ord. 93-12 § 2, 1993)

10.08.210 Administration.

A. The city manager shall establish administrative procedures for the administration of parking pursuant to the provisions of this chapter including, but not limited to, procedures for the issuance of carpool and monthly parking permits.

B. In addition, the city manager shall appoint one or more persons as parking enforcement officers who shall be under the supervision of the police department. The parking enforcement officers shall have authority to

issue notices of traffic infractions relating to the parking, standing or stopping of vehicles, but shall not be considered uniformed police officers for purposes of LEOFF and civil service statutes. (Ord. 2009-21 § 33, 2009; Ord. 99-59 § 2, 1999; Ord. 95-20 § 2, 1995; Ord. 93-12 § 2, 1993)

10.08.220 Revocation of carpool permits.

A. The city shall revoke the carpool parking privileges of any carpool parking permit holder determined to have duplicated or falsified a carpool parking permit.

B. The city shall revoke for a period of one year the carpool parking privileges of any carpool parking permit holder who is determined to have violated the provisions of BIMC 10.08.070 above on three or more occasions.

C. If, as a result of the revocations described in this section, the number of members in a carpool group falls below two, the carpool group will be responsible for substituting a new carpool member. This new carpool member must be registered in the manner required by the city prior to the further exercise by the carpool group members of their carpool permit privileges. (Ord. 96-24 § 2, 1996; Ord. 93-12 § 2, 1993)

10.08.230 Revocation of monthly parking permits.

A. The city shall revoke the monthly parking privileges of any permit holder determined to have duplicated or falsified a monthly parking permit.

B. The city shall revoke for a period of one year the monthly parking privileges of any permit holder who is determined to have violated the provisions of BIMC 10.08.080 on two or more occasions. (Ord. 93-12 § 2, 1993)

10.08.240 Registered owner’s responsibility.

The registration or licensing of a vehicle in the name of a person, persons, entity or entities shall raise a prima facie presumption that the person, persons, entity or entities is responsible for all traffic infractions set forth in this chapter which are attributable to the vehicle. The prima facie presumption may be rebutted

10.08.250

by a showing by the party or parties charged with the traffic infraction that they are not in fact responsible for the traffic infractions. (Ord. 93-12 § 2, 1993)

10.08.250 Penalties.

A. It shall be a traffic infraction for any person to permit or allow a vehicle to stop, stand, or park in violation of this chapter. The monetary penalty for violation of this chapter shall be \$50.00 for each such violation, except as follows:

1. For violation of BIMC 10.08.050, \$250.00 for each violation.

2. For violation of BIMC 10.08.100, \$50.00 for the first violation, \$50.00 for the second violation arising out of the same traffic infraction as the first violation, and \$50.00 for the third violation arising out of the same traffic infraction as the second violation.

3. For violation of BIMC 10.08.070, \$50.00 for the first violation, and \$100.00 for the second and all subsequent violations. In addition to monetary penalties, a carpool permit holder violating BIMC 10.08.070 on three or more occasions shall have his or her carpool parking privileges revoked for a period of one year in accordance with BIMC 10.08.220.B.

4. For violation of BIMC 10.08.155, \$100.00 for each violation, and the vehicle may be towed and impounded at the owner's expense.

A notice of traffic infraction shall be affixed in a conspicuous place on the vehicle stopped, standing, or parked in violation of this chapter and shall be in the form approved by the administrator for the courts. All monetary penalties shall be paid to the municipal court of the city.

B. The procedures governing cases alleging a parking, standing or stopping traffic infraction pursuant to this chapter shall be as prescribed by the Washington Supreme Court in its Justice Court Traffic Infraction Rules (hereinafter JTIR).

C. In the event that response to the notice of traffic infraction is not made in accordance with the provisions of subsection B of this section, the following additional sanctions will apply:

1. An additional monetary penalty will be imposed pursuant to JTIR 2.5 for failure to respond.

2. The monetary penalty for late payment of parking violations shall be an additional \$25.00.

3. The city may refer the case to the city attorney for criminal prosecution. (Ord. 2010-44 § 1, 2010; Ord. 2003-06 § 3, 2003; Ord. 2000-23 § 4, 2000; Ord. 98-28 § 1, 1998; Ord. 96-36 § 1, 1996; Ord. 96-24 § 3, 1996; Ord. 93-12 § 2, 1993)

Chapter 10.10

**RESALE OF CITY PARKING
PRIVILEGES****Sections:**

- 10.10.010 Unlawful to obtain parking privileges for or from resale.**
10.10.020 Violation – Penalty.

10.10.010 Unlawful to obtain parking privileges for or from resale.

No person shall obtain parking privileges in any city-operated parking lot for purposes of resale or as a result of exchange from any person making a resale other than one authorized to grant such privilege on behalf of the city. "Resale" as used in this chapter shall be presumed when any person without city permit shall purchase or pay for such parking privileges for use by anyone but themselves, and/or shall permit any other persons to regularly park in such parking spaces for which they have paid the fees or obtained a valid permit. However, the city may grant special permit privileges to persons who wish to obtain parking for members of their immediate families or for employees of a business located within the city limits. (Ord. 89-08 § 1, 1989)

10.10.020 Violation – Penalty.

Any person violating any provision of this chapter shall be guilty of a civil infraction and upon conviction thereof, shall be punished by the imposition of a monetary penalty of not more than \$250.00. Community service hours may be imposed in addition to or in lieu of a monetary penalty. (Ord. 89-08 § 1, 1989)

Chapter 10.12

**LAW ENFORCEMENT AT STATE
FERRY TERMINAL AND ON STATE
FERRIES****Sections:**

- 10.12.010 Jurisdiction authority.**
10.12.020 Violation of rules and regulations.
10.12.030 Traffic directions of ferry system employees.
10.12.040 Citations and procedures for violations.
10.12.050 Impoundment of vehicles or bicycles.
10.12.060 Violation – Penalty.

10.12.010 Jurisdiction authority.

Pursuant to RCW 47.60.275, the Bainbridge Island police are authorized to exercise concurrent jurisdiction authority with state law enforcement officers in the enforcement of the laws of the state and city ordinances at the State Ferry Terminal Facilities located within the city and on state ferries at the terminal. (Ord. 76-14 § 1, 1976)

10.12.020 Violation of rules and regulations.

The violation of any duly established and posted rule or regulation governing persons, pedestrians, bicycles and motor vehicles as defined in RCW 46.04.071, 46.04.320, 46.04.400 and 46.04.405 within the jurisdiction of the State Ferry Terminal and on state ferries shall be deemed a misdemeanor and punishable as provided by this chapter. (Ord. 76-14 § 2, 1976)

10.12.030 Traffic directions of ferry system employees.

It shall be a violation of this chapter for any person to fail to obey the traffic control direction or instruction issued by a ferry terminal employee directing traffic at the Washington State Ferry Terminal and surrounding area, including any employee of the city so authorized in performing such duties. (Ord. 76-14 § 3, 1976)

10.12.040

10.12.040 Citations and procedures for violations.

All citations and procedures for violation of this chapter shall be in accordance with the criminal rules for justice court, CJCrR, or the traffic rules for justice court, JTR, and shall be returnable in the Bainbridge Island municipal court. (Ord. 76-14 § 4, 1976)

10.12.050 Impoundment of vehicles or bicycles.

No motor vehicle or bicycle shall be impounded by the city for violation of this chapter unless, in the opinion of the arresting officer, such motor vehicle or bicycle constitutes a hazard to pedestrian or vehicular traffic and such impound is requested by the ferry terminal manager or his duly authorized representative. Nothing contained in this chapter shall be deemed to prevent the city from chaining any bicycle where it is located until such time as the owner thereof has identified himself and accepted a duly issued citation. (Ord. 76-14 § 5, 1976)

10.12.060 Violation – Penalty.

All violations of this chapter, except parking violations, shall be punished by a fine of not more than \$500.00 or six months in jail, or both such fine and imprisonment. Any person convicted of improperly parking a motor vehicle or bicycle shall be fined not more than \$5.00 for each offense, provided that if such fine is paid to the city within 48 hours after issuance of a citation therefor, the maximum fine shall be \$2.00. A fine shall be considered paid within 48 hours if, within that time, said fine is either:

- A. Delivered to the city; or
- B. Placed in the United States mail with proper postage affixed and addressed to the City of Bainbridge Island, P.O. Box 10100, Bainbridge Island, Washington 98110; or
- C. Deposited in a proper collection box provided for payment of parking violations by the city. (Ord. 76-14 § 6, 1976)

Chapter 10.16

SENIOR CITIZEN MOBILITY
PROGRAM

Sections:

- 10.16.010 Established.**
**10.16.020 Services provided on
 contracted basis – Cost.**

10.16.010 Established.

There is established an infirm or senior citizen mobility program within the city pursuant to authority granted in RCW 36.39.060, which shall provide transportation services for infirm or senior citizens within the city to or from any location at the request of any individual infirm or senior citizen. The schedule and operating hours for such service to be determined by the contractor after approval by the city council. (Ord. 81-11 § 1, 1981)

**10.16.020 Services provided on contracted
 basis – Cost.**

The mayor is authorized to enter into a contract with Help Line House, a nonprofit corporation, to provide the entire program on such specific terms and conditions as the mayor may determine, except that the total cost thereof shall not exceed \$2500 per year. (Ord. 81-11 § 2, 1981)

Chapter 10.18

MISCELLANEOUS TRAFFIC
REGULATIONS

Sections:

- 10.18.010 Inattentive driving – Defined.**
**10.18.020 Inattentive driving –
 Violation – Penalty.**
**10.18.030 Negligent operation of
 skateboards prohibited –
 Penalty.**

10.18.010 Inattentive driving – Defined.

It is unlawful for any person to operate a motor vehicle within the city in an inattentive manner. For the purposes of this section, "inattentive manner" means the operation of a motor vehicle in a manner which evidences a lack of the degree of attentiveness required to safely operate the vehicle under the prevailing conditions of the roadway, presence of other traffic, presence of pedestrians and weather conditions. The offense of operating a motor vehicle in an inattentive manner shall be considered to be a lesser offense than, but included in the offense of operating a motor vehicle in a negligent manner. (Ord. 84-28 § 1, 1984)

**10.18.020 Inattentive driving – Violation –
 Penalty.**

Violation of any of the provisions of Section 10.18.010 constitutes an infraction subject to the penalty provided in the applicable bail schedule adopted by the municipal court. (Ord. 84-28 § 1, 1984).

**10.18.030 Negligent operation of
 skateboards prohibited –
 Penalty.**

A. Prohibition. It is unlawful for any person to operate a skateboard in a negligent manner upon any roadway, sidewalk or publicly owned parking lot. For the purpose of this section, "to operate in a negligent manner" means the operation of a skateboard in such a manner as to endanger or be likely to endanger any persons or property.

B. Any person violating any provision of this section shall be guilty of a civil infraction, and upon conviction thereof, shall be punished by the imposition of a monetary penalty of not more than \$250.00. Community service hours may be imposed in addition to or in lieu of a monetary penalty. (Ord. 86-04 § 1, 1986)

Chapter 10.20

**MOTOR VEHICLE SAFETY
RESTRAINTS**

Sections:

- 10.20.010 Motor vehicle defined.**
- 10.20.020 Applicability.**
- 10.20.030 Use required.**
- 10.20.040 Use by passenger required.**
- 10.20.050 Exemption for physical or medical reasons.**
- 10.20.060 Notice of infraction.**
- 10.20.070 Failure to comply not to constitute negligence.**
- 10.20.080 Enforcement.**
- 10.20.090 Infraction – Penalty.**

10.20.010 Motor vehicle defined.

For the purposes of this chapter, the term “motor vehicle” includes:

A. “Buses,” meaning motor vehicles with motive power, except trailers, designed to carry more than 10 passengers;

B. “Multipurpose passenger vehicles” means motor vehicles with motive power, except trailers, designed to carry 10 persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

C. “Passenger cars,” meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying 10 passengers or less; and

D. “Trucks,” meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property. (Ord. 87-03 § 1(1), 1987)

10.20.020 Applicability.

This chapter only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicles safety standard 208. (Ord. 87-03 § 1(2), 1987)

10.20.030 Use required.

Every person 16 years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner. (Ord. 87-03 § 1(3), 1987)

10.20.040 Use by passenger required.

No person may operate a motor vehicle unless all passengers under the age of 16 years are either wearing a safety belt assembly or are securely fastened into an approved child-restraint device. (Ord. 87-03 § 1(4), 1987)

10.20.050 Exemption for physical or medical reasons.

This chapter does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons. (Ord. 87-03 § 1(8), 1987)

10.20.060 Notice of infraction.

A person violating this chapter shall be issued a notice of traffic infraction under RCW 46.63. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers. (Ord. 87-03 § 1(5), 1987)

10.20.070 Failure to comply not to constitute negligence.

Failure to comply with the requirements of this chapter not does constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action. (Ord. 87-03 § 1(6), 1987)

10.20.080 Enforcement.

Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of RCW Title 46, or an equivalent local ordinance or some other offense. (Ord. 87-03 § 1(7), 1987)

10.20.090 Infraction – Penalty.

Any person found to have committed an act designated a traffic infraction under provisions of RCW Title 46, as adopted by reference in this chapter, shall be penalized as provided in accordance with Washington Court Rules JTIR 6.2 (Monetary Penalty Schedule). (Ord. 87-03 § 3, 1987)

Chapter 10.24

COMMUTE TRIP REDUCTION PROGRAM

Sections:

- 10.24.010 Purpose.
- 10.24.020 Definitions.
- 10.24.030 City CTR plan.
- 10.24.040 Responsible agency.
- 10.24.050 Applicability.
- 10.24.060 Change in status as an affected employer.
- 10.24.070 Newly affected employers.
- 10.24.080 Notification of applicability.
- 10.24.090 CTR program submittal date.
- 10.24.100 CTR program implementation date.
- 10.24.110 Mandatory CTR program elements.
- 10.24.120 Request for modification of CTR program elements.
- 10.24.130 Exemption from CTR program.
- 10.24.140 Commute trip reduction goals.
- 10.24.150 Modification of CTR program goals.
- 10.24.160 Notice of leadership certificate.
- 10.24.170 CTR program and annual report review.
- 10.24.180 Annual reporting date.
- 10.24.190 Extensions.
- 10.24.200 Compliance.
- 10.24.210 CTR program modification criteria.
- 10.24.220 Violations.
- 10.24.230 Penalties.
- 10.24.240 Adjudicative procedure.
- 10.24.250 Appeals.

10.24.010 Purpose.

The purpose of this chapter is to establish commute trip reduction program requirements for affected employers within the city. These requirements are intended to promote alternative commute modes and to reduce the total number of single-occupant vehicle commute

trips and vehicle miles traveled per employee, thereby decreasing traffic congestion, automobile related air pollution, and energy use within the city. The city recognizes the importance of increasing individual citizens' awareness of air quality, energy consumption, and traffic congestion, and the contribution that individual actions can make toward addressing these issues. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 1, 1993)

10.24.020 Definitions.

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

A. "Affected employee" means a full-time employee who begins a regular workday at a single worksite covered by the commute trip reduction plan between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months who is not an independent contractor. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

B. "Affected employer" means an employer that employs 100 or more full-time employees at a single worksite covered by the commute trip reduction plan who are scheduled to begin their regular workday between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. Construction worksites, when the expected duration of the construction is less than two years, are excluded from this definition. (See also definition of "employer.")

C. "Alternative mode" means any method of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting, and compressed work week schedules if they result in reducing commute trips.

D. "Alternative work schedules" means programs such as compressed work week schedules that eliminate work trips for affected employees.

E. "Base year" means the 12-month period from January 1, 2007, through December 31, 2007, which commences when a major employer is determined by Kitsap Transit to be

participating within the CTR program. Kitsap Transit uses this 12-month period as the basis upon which it develops commute trip reduction goals.

F. "Base year survey" or "baseline measurement" means the survey, during the base year, of employees at a major employer worksite to determine the drive-alone rate and vehicle miles traveled per employee at the worksite. The jurisdiction uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurement must be implemented in a manner that meets the requirements specified by the city.

G. "Carpool" means any motor vehicle, including a motorcycle, occupied by two to six people of at least 16 years of age traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle commute trip.

H. "Commute trips" means trips made from a worker's home to a worksite on weekdays.

I. "CTR" is the abbreviation of commute trip reduction.

J. "Commute trip reduction (CTR) plan" means the city's plan that is designed to achieve reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per affected employees of affected employers within the city.

K. "Commute trip reduction (CTR) program" means an employer's strategies to reduce employees' drive-alone commute trips and average vehicle miles traveled per employee.

L. "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

M. "Commuter ride matching service" means a system that assists in matching commuters for the purpose of commuting together.

N. "Compressed work week" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work-day every two weeks by working longer hours

during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10-hour days or 80 hours in nine days, but may also include other arrangements.

O. "Custom bus/buspool" means a commuter bus service arranged specifically to transport employees to work.

P. *Repealed by Ord. 2003-22.*

Q. "Dominant mode" means the mode of travel used for the greatest distance of a commute trip.

R. "Drive-alone" means a motor vehicle occupied by one employee for commute purposes, including a motorcycle.

S. "Drive-alone trips" means commute trips made by employees in single-occupant vehicles.

T. "Employee transportation coordinator (ETC)" means a person who is designated as responsible for the development, implementation, and monitoring of an employer's CTR program.

U. "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.

V. "Exemption" means a waiver from any or all CTR program requirements granted to an employer by Kitsap Transit based on unique conditions that apply to the employer or employment site.

W. "Flex-time" is an employer policy that provides work schedules allowing individual employees flexibility in choosing the start and end time, but not the number of their working hours.

X. "Full-time employee" means a person, other than an independent contractor, whose position is scheduled on a continuous basis for 52 weeks for an average of at least 35 hours per week.

Y. "Good faith effort" means that an employer has met the following conditions:

1. The employer has met the minimum requirements identified in RCW 70.94.531 and this chapter; and

2. The employer is working collaboratively with Kitsap Transit 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.

Z. *Repealed by Ord. 2003-22.*

AA. "Implementation" or "implement" means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.555 and this chapter as evidenced by appointment of an employee transportation coordinator (ETC), distribution of information to employees regarding alternatives to drive-alone commuting, and commencement of other measures according to its approved CTR program and schedule.

BB. "A major employer" means a private or public employer, including state agencies, that employs 100 or more full-time employees at a single worksite who are scheduled to begin their regular workday between 6:00 a.m. and 9:00 a.m. on weekdays for at least 12 continuous months.

CC. "Major employer worksite" or "affected employer worksite" or "worksite" means the physical location occupied by a major employer, as determined by the local jurisdiction.

DD. "Major employment installation" means a military base or federal reservation, excluding tribal reservations, or other locations as designated by the city, at which there are 100 or more affected employees.

EE. "Mode" refers to the means of transportation used by employees, such as single-occupant vehicle, carpool, vanpool, transit, ferry, bicycle, walking, compressed work week schedule and telecommuting.

FF. "Notice" means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the Postal Service unless the third day falls on a weekend or legal holiday, in which case the notice is deemed accepted the day after the weekend or legal holiday.

GG. "Presiding officer" means a person or persons designated by Kitsap Transit to hear

and determine a contested notice of civil infraction.

HH. "Peak period" means the hours from 6:00 a.m. to 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

II. "Peak period trip" means any commute trip that delivers the employee to begin his or her regular workday between 6:00 a.m. and 9:00 a.m. (inclusive), Monday through Friday, except legal holidays.

JJ. "Proportion of drive-alone trips" or "drive-alone rate" means the number of commute trips over a set period made by employees in single-occupancy vehicles (SOVs) divided by the number of potential trips taken by employees working during that period.

KK. "Single-occupant vehicle (SOV)" means a motor vehicle occupied by one employee for commute purposes, including a motorcycle.

LL. "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 occupied by one or more affected employers.

MM. "Teleworking" or "telecommuting" means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a location closer to home than the employer's worksite, reducing the distance traveled in a commute trip by at least half.

NN. "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, worker/driver bus, or vanpool.

OO. "Transportation demand management (TDM)" means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

PP. "Transportation management association (TMA)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMA may represent employers within specific city limits or may have a sphere of influence that extends beyond city limits.

QQ. "Vanpool" means a vehicle occupied by five to 15 people traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle trip.

RR. "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.

SS. "Week" means a seven-day calendar period, starting on Monday and ending on Sunday.

TT. "Weekday" means any day of the week, except Saturday or Sunday.

UU. "Writing," "written," or "in writing" means original, signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed via mail or delivery of the original signed and dated document. (Ord. 2009-16 § 1, 2009; Ord. 2003-22 § 11, 2003; Ord. 99-33 § 1, 1999; Ord. 93-09 § 2, 1993)

10.24.030 City CTR plan.

The goals established for the jurisdiction and affected employers in the city's 2009 commute trip reduction plan, which is on file with the city clerk's office, are wholly incorporated herein by reference. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 3, 1993)

10.24.040 Responsible agency.

The city has determined that it is within the public's best interest to enter into an interlocal agreement with Kitsap Transit pursuant to Chapter 39.34 RCW and RCW 70.94.527, whereby Kitsap Transit will be the agency responsible for implementing and administering the city's CTR plan and this chapter. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 4, 1993)

10.24.050 Applicability.

The provisions of this chapter shall apply to all affected employers at any single worksite within the incorporated areas of the city. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 5A, 1993)

10.24.060 Change in status as an affected employer.

Any of the following changes in an employer's status will change the employer's CTR program requirements:

A. Becomes a Nonaffected Employer. 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 considered an affected employer. It is the responsibility of the employer to notify Kitsap Transit, in writing, that it is no longer an affected employer. The burden of proof lies with the employer;

B. Change in Status within 12 Months. If an employer under subsection A of this section again employs 100 or more affected employees within the same 12 months as its change in status to an "unaffected" employer, that employer will be considered an affected employer for the entire 12 months, and will be subject to the same CTR program requirements as other affected employers. It is the responsibility of the employer to notify Kitsap Transit, in writing, that it has become an affected employer; and

C. Change in Status after 12 Months. If an employer under subsection A of this section again employs 100 or more affected employees more than 12 months after its change in status to an "unaffected" employer, that employer shall be treated as a newly affected employer and will be subject to the same CTR program requirements as other newly affected employers. It is the responsibility of the employer to notify Kitsap Transit, in writing, that it has become an affected employer. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 5B, 1993)

10.24.070 Newly affected employers.

A. Reporting Date. Employers meeting the definition of "affected employer" in this chapter must identify themselves to Kitsap Transit within 90 days of either moving into city's boundaries or growing in employment at a worksite to 100 or more affected employees. Employers who do not identify themselves within 90 days are in violation of this chapter.

10.24.080

B. CTR Baseline Measurement. Newly affected employers shall be given 90 days to perform a baseline measurement consistent with the measurement requirements specified by Kitsap Transit. 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.

C. CTR Program Submittal. Not more than 90 days after receiving written notification of the results of the baseline measurement, the newly affected employer shall develop and submit a CTR program to Kitsap Transit. The program will be developed in consultation with Kitsap Transit to be consistent with the goals of the CTR plan adopted in BIMC 10.24.030. The program shall be implemented not more than 90 days after approval by Kitsap Transit. Employers who do not implement an approved CTR program according to this schedule are in violation of this chapter and subject to the penalties outlined in BIMC 10.24.230. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 5C, 1993)

10.24.080 Notification of applicability.

A. Publication of Notice. In addition to the city's established public notification procedures for adoption of an ordinance or an amendment to an ordinance, a notice of availability of a summary of this chapter or an amendment to this chapter, a notice of the requirements and criteria for affected employers to comply with the chapter, shall be published at least once in the city's official newspaper within 30 days of the effective date of this chapter or any amendments hereto.

B. Notice to Known Affected Employers. Known affected employers within the city shall receive written notification from Kitsap Transit that they are subject to this chapter. Such notices shall be addressed to the employer's employee transportation coordinator, chief executive officer, senior official, or registered agent at the worksite. Such notification shall provide 90 days for the affected employer to perform a baseline measurement consistent with the measurement requirements specified by Kitsap Transit. If an affected

employer has already performed a baseline measurement, or an alternative acceptable to Kitsap Transit, the employer is not required to perform another baseline measurement.

C. Self-Identification. Affected employers who, for whatever reason, do not receive notification within 30 days of the effective date of this chapter and are either notified or identify themselves to Kitsap Transit within 90 days of the effective date of this chapter will be granted an extension to assure up to 90 days within which to perform a baseline measurement consistent with the measurement requirements specified by Kitsap Transit.

D. Time Limits. Affected employers that have not been identified or do not identify themselves within 90 days of the passage of the ordinance codified in this chapter and do not perform a baseline measurement consistent with the measurement requirements specified by Kitsap Transit within 90 days from the passage of the ordinance codified in this chapter are in violation of this chapter. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 6, 1993)

10.24.090 CTR program submittal date.

Except as otherwise provided in this chapter, not more than 180 days from the effective date of this chapter, all affected employers within the city shall submit a CTR program to Kitsap Transit. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 7A, 1993)

10.24.100 CTR program implementation date.

Unless extensions are granted as otherwise provided in this chapter, an affected employer shall implement its approved CTR program, including approved program modifications, not more than 90 days after receiving written notice from Kitsap Transit that the program has been approved or with the expiration of the program review period outlined in BIMC 10.24.170 without receiving notice from Kitsap Transit. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 7B, 1993)

10.24.110 Mandatory CTR program elements.

An affected employer is required to make a good faith effort, as defined in this chapter and in RCW 70.94.534(2), to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and drive-alone commute trips. At a minimum, an employer's CTR program shall include the following elements:

A. Employee Transportation Coordinator. The employer shall designate an employee transportation coordinator (ETC) to administer the CTR program. The ETC's and/or designee's name, location, and telephone number must be displayed prominently, physically or electronically, at each affected worksite. The ETC shall oversee all elements of the employer's CTR program and act as liaison between the employer and Kitsap Transit. The objective is to have an effective transportation coordinator present at each worksite; an affected employer with multiple sites may have one ETC for all sites.

B. Information Distribution. 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 and to new employees at the time of hire. The summary of the employer's CTR program shall also be submitted to the city with the employer's program description and regular report.

C. CTR Program Report and Description. The CTR program report and description outlines the strategies to be undertaken by an employer to achieve the commute trip reduction goals for the reporting period. 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.

At a minimum, the employer's CTR program report and description must include:

1. A general description of the employment site location, transportation char-

acteristics, employee parking availability, on-site amenities, and surrounding services;

2. The number of employees affected by the CTR program and the total number of employees at the site;

3. Documentation on compliance with the mandatory CTR program elements (as described in this section);

4. Description of any additional elements included in the employer's CTR program (as described in this section); and

5. A statement of organizational commitment to provide appropriate resources to the program to meet the employer's established goals.

D. Specific Measures. In addition to the mandatory program elements described above, the employer's CTR program shall include specific measures to be implemented to meet the CTR goals. These measures may include, but are not limited to, one or more of the following:

1. A provision for preferential parking or reduced parking charges, or both, for high-occupancy vehicles;

2. An implementation or increase of parking charges for drive-alone commuters;

3. A provision for commuter ride matching services to facilitate employee ride-sharing for commute trips;

4. A provision for subsidizing transit, rail, or vanpool fares;

5. A provision for vans or buses for use as vanpools or custom bus/buspools (Kitsap Transit's worker/driver buses) for employee ridesharing;

6. A provision for subsidizing carpools, walking, bicycling, teleworking, compressed schedules or vanpools;

7. A provision permitting the use of the employer's vehicles for carpooling or vanpooling purposes;

8. A provision permitting flex-time to facilitate employees' use of transit, carpools, or vanpools;

9. A provision for cooperation with transportation providers to provide additional regular or express service to the worksite;

10. A provision for the construction of special loading and unloading facilities for transit, carpool, and vanpool users;

11. A provision for bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

12. A provision for a parking incentive program, such as a rebate for employees who do not use the parking facilities;

13. A provision establishing a telecommuting program to permit employees to work part- or full-time at home or at an alternative worksite closer to their homes;

14. A provision establishing a program of alternative work schedules, such as a compressed work week that reduces commuting;

15. A provision establishing a guaranteed ride home program that would guarantee, in cases of emergency, transportation home to those employees who normally use an alternative commute mode;

16. A provision implementing other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care facilities and emergency taxi services;

17. Other measures that the employer believes will reduce the number and length of commute trips made to the site.

E. Regular Review. Each affected employer must commit to annually review employee commuting and progress toward meeting the CTR goals. Affected employers shall review their program and file an annual progress report with Kitsap Transit. The annual progress report form shall be provided by Kitsap Transit. The progress report shall describe each of the CTR measures that were in effect for the previous year, the results of any commuter surveys undertaken during the year, and the number of employees participating in CTR programs. Within the report, the employer should evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the CTR goals. Survey information or approved alternative information must be provided in the reports.

F. Biennial Measurement of Employee Commute Behavior. In addition to the baseline measurement, employers shall conduct a pro-

gram evaluation as a means of determining worksite progress toward meeting CTR goals. As part of the program evaluation, the employer shall distribute and collect commute trip reduction program employee questionnaires (surveys) at least once every two years, and strive to achieve at least a 70 percent response rate from employees at the worksite.

G. Record Keeping. Affected employers shall maintain a copy of their approved CTR program description and report, their CTR program employee questionnaire results, and all supporting documentation for the descriptions and assertions made in any CTR report to the city for a minimum of 48 months. The city and the employer shall agree on the record keeping requirements as part of the accepted CTR program. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 7C, 1993)

10.24.120 Request for modification of CTR program elements.

An affected employer may request a modification of the CTR program elements. This request must be in writing and delivered to Kitsap Transit. An employer's request for a modification of the CTR program may be granted by Kitsap Transit if either of the following conditions are met:

A. Beyond Employer's Control. The affected employer demonstrates that it is unable to comply with the CTR program element(s) for which the affected employer seeks an exemption due to reasons beyond the control of the employer; or

B. Undue Hardship. The affected employer demonstrates that compliance with the CTR program element(s) would constitute an undue hardship to the employer. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 7D, 1993)

10.24.130 Exemption from CTR program.

A. Exemption from All Requirements. An affected employer may submit to Kitsap Transit a written request for an exemption from all CTR program requirements, or from penalties for a particular worksite. In making such a request, the employer must demonstrate that it would experience undue hardship in comply-

ing with the requirements of this chapter as a result of the characteristics of its business, its work force, and/or its location(s). The employer's request should clearly identify the circumstances under which the affected employer seeks an exemption from all CTR program requirements. An exemption may be granted if and only if the affected employer demonstrates that it faces extraordinary circumstance, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of drive-alone trips and VMT per employee. Exemptions under this section may be granted by Kitsap Transit at any time following the employer's written request for exemption. Kitsap Transit shall grant or deny the request within 30 days of receipt of the request. Kitsap Transit shall review annually all employers receiving exemptions and shall determine whether the exemption will continue to be in effect during the following program year.

B. Exemption for Employees Using Vehicles for Work. An affected employer may submit to Kitsap Transit a written request to exempt specific employees or groups of employees that are required to drive alone to work as a condition of employment from a worksite's CTR program. The employer shall provide documentation indicating the number of employees who meet this condition and shall demonstrate that no reasonable alternative commute mode exists for these employees. Kitsap Transit will use the criteria identified in the CTR board administrative guidelines to assess the validity of employee exemption requests. Kitsap Transit shall grant or deny the request within 30 days of receipt of the request. Kitsap Transit shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

C. Exemption for Variable Shift. An affected employer may submit a written request to Kitsap Transit to exempt specific employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. Kitsap Transit will use the criteria identified in the CTR board administrative guidelines to assess the validity of an

employee exemption request made pursuant to this subsection. Kitsap Transit shall grant or deny the request within 30 days of receipt of the request. Kitsap Transit shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 7E, 1993)

10.24.140 Commute trip reduction goals.

A. City-Wide CTR Goals. City goals for reductions in the proportions of drive-alone commute trips and vehicle miles traveled per employee by affected employers in the city's jurisdiction are hereby established by the city of Bainbridge Island's CTR plan incorporated by BIMC 10.24.030. These goals establish the desired level of performance for the CTR program in its entirety in the city.

The city will set the individual worksite goals for affected employers based on how the worksite can contribute to the city's overall goal established in the CTR plan. The goals will appear as a component of the affected employer's approved implementation plan outlined in BIMC 10.24.110.

B. CTR Goals for Affected Employers. The drive-alone and VMT goals for affected employers in the city are hereby established as set forth in the CTR plan incorporated by BIMC 10.24.030.

If the goals for an affected employer or newly affected employer are not listed in the CTR plan, they shall be established by Kitsap Transit at a level designed to achieve the city's overall goals for the jurisdiction. Kitsap Transit will provide written notification of the goals for each affected employer worksite by providing the information when Kitsap Transit reviews the employer's proposed program and incorporating the goals into the program approval issued by the city. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 8B, 1993. Formerly 10.24.150)

10.24.150 Modification of CTR program goals.

An affected employer may request that Kitsap Transit modify the employer's CTR

10.24.160

program goals. Such requests shall be in writing and filed with Kitsap Transit at least 60 days prior to the date the employer is required to submit its program description and annual report. The goal modification request must clearly explain why the employer is unable to achieve the applicable goal. The employer must also demonstrate that it has implemented all the elements contained in its approved CTR program. Kitsap Transit shall review and decide requests for goal modifications in accordance with procedures and criteria identified in the CTR board guidelines. An employer may not request a modification of the applicable goals until at least one year after Kitsap Transit has approved the employer's initial program description or annual report. (Ord. 2009-16 § 1, 2009: Ord. 99-33 § 1, 1999: Ord. 93-09 § 8C, 1993. Formerly 10.24.160)

10.24.160 Notice of leadership certificate.

As public recognition for their efforts, affected employers who meet or exceed the CTR goals as set forth in this chapter shall receive a commute trip reduction certificate of leadership from the city. A notice of this certificate of leadership shall be published in the city's official newspaper. (Ord. 2009-16 § 1, 2009: Ord. 99-33 § 1, 1999: Ord. 93-09 § 9C, 1993. Formerly 10.24.190)

10.24.170 CTR program and annual report review.

Kitsap Transit shall review each affected employer's initial CTR program to determine if the program is likely to meet the applicable CTR goals. Kitsap Transit shall provide the employer with written notification if the employer's CTR program is deemed unacceptable. The notification must give cause for any rejection. If the employer receives no written notification of extension of the review period of its CTR program or comment on the CTR program or annual report within 90 days of submission, the employer's CTR program or annual report shall be deemed accepted. Kitsap Transit may extend the review period up to 90 days. The implementation date for the employer's CTR program shall be extended an

equivalent number of days. (Ord. 2009-16 § 1, 2009: Ord. 99-33 § 1, 1999: Ord. 93-09 § 10A, 1993. Formerly 10.24.200)

10.24.180 Annual reporting date.

Kitsap Transit shall establish the affected employer's annual reporting date upon review of the employer's initial CTR program. Each year on the employer's reporting date, the employer shall submit to Kitsap Transit its annual CTR program progress report. Kitsap Transit shall provide and the affected employer shall use a standard annual report form consistent with BIMC 10.24.110.C. (Ord. 2009-16 § 1, 2009: Ord. 99-33 § 1, 1999: Ord. 93-09 § 10B, 1993. Formerly 10.24.210)

10.24.190 Extensions.

An affected employer may request additional time to submit a CTR program or CTR annual progress report, or to implement or modify a CTR program. Such requests shall be made in writing to Kitsap Transit not less than 30 days prior to the due date for which the extension is being requested. Extensions not to exceed 90 days may be considered for reasonable causes. Kitsap Transit shall grant or deny the employer's extension request by written notice within 10 days of receiving the request. If there is no response issued to the employer, an extension shall be automatically granted for 30 days. Extensions shall not exempt an employer from any responsibility in meeting the CTR program goals. Extensions granted due to delays or difficulties with any CTR program element(s) shall not be cause for discontinuing or falling to implement other program elements. An employer's annual reporting date shall not be adjusted permanently as a result of these extensions. An employer's annual reporting date may be extended at the discretion of Kitsap Transit. (Ord. 2009-16 § 1, 2009: Ord. 99-33 § 1, 1999: Ord. 93-09 § 11, 1993. Formerly 10.24.220)

10.24.200 Compliance.

Except as otherwise provided in this chapter, "compliance" shall mean:

A. Fully implementing in good faith all mandatory program elements as well as provi-

sions in the approved CTR program description and report; and

B. Providing a complete CTR program description and report on the regular reporting date; and

C. Distributing and collecting the CTR program employee questionnaire during the scheduled survey time period. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 12A, 1993. Formerly 10.24.230)

10.24.210 CTR program modification criteria.

Kitsap Transit shall use the following criteria for achieving goals for VMT per employee and proportion of drive-alone trips in determining requirements for affected employer CTR program modifications:

A. Achieves Either or Both Goals. If an employer makes a good faith effort, as defined in this chapter and in RCW 70.94.534(2), and meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to improve its CTR program.

B. Fails to Achieve Either Goal.

1. With Good Faith Effort. If an employer makes a good faith effort, as defined in this chapter and in RCW 70.94.534(2), but has not met the applicable drive-alone or VMT goal, no additional modifications are required.

2. Without Good Faith Effort. If an employer fails to make a good faith effort, as defined in this chapter and in RCW 70.94.534(2), and fails to meet either the applicable drive-alone or VMT reduction goal, Kitsap Transit shall work with the employer to identify necessary modifications to the CTR program and shall direct the employer to revise its program within 30 days to incorporate the modifications, to come into compliance with the measures defined by RCW 70.94.534(2). In response to the recommended modifications, the employer shall submit a revised CTR program description and report, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program. Kitsap Transit shall review the revisions and notify the employer of acceptance or rejection of the

revised program. If a revised program is rejected, Kitsap Transit shall send written notice to that effect to the employer within 30 days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A written final decision on the required program shall be issued by Kitsap Transit within 10 working days of the conference. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 12B, 1993. Formerly 10.24.240)

10.24.220 Violations.

The following shall constitute violations if the deadlines established in this chapter are not met:

A. Failure to develop and/or submit on time a complete CTR program;

B. Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and drive-alone goals as specified in this chapter;

C. Failure to revise a CTR program as defined in RCW 70.94.534(4) and stated in this chapter;

D. Failure to self-identify as an affected employer;

E. Failure of a newly affected employer to self-identify as an affected employer;

F. Failure to submit an annual CTR program progress report;

G. Failure to maintain agreed upon CTR program records or perform a baseline measurement, including;

1. Employers notified or that have identified themselves to Kitsap Transit within 90 days of the ordinance codified in this chapter being adopted and that do not perform a baseline measurement consistent with the requirements specified by Kitsap Transit within 90 days from the notification or self-identification;

2. Employers not identified or self-identified within 90 days of the ordinance codified in this chapter being adopted and that do not perform a baseline measurement consistent with the requirements specified by Kitsap

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Transit within 90 days from the adoption of the ordinance codified in this chapter;

H. Intentionally submitting false or fraudulent information, data and/or survey results;

I. Failure to make a good faith effort in meeting the minimum requirements of this chapter as defined in this chapter and in RCW 70.94.534(2). (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 12C, 1993. Formerly 10.24.250)

10.24.230 Penalties.

A. Class I Civil Infraction. Any affected employer violating any provision of this chapter shall be liable for a Class I civil infraction, and subject to civil penalties. Pursuant to RCW 7.80.120, Kitsap Transit shall issue civil infractions pursuant to this chapter.

B. Separate Offenses. Such affected employer shall be liable for a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued and shall be subject to civil penalties as herein provided.

C. Failure Due to Union. An affected 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:

1. Propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and

2. Advise the union of the existence of the statute, this chapter, and the mandates of the CTR program approved by Kitsap Transit and advise the union that the proposal being made is necessary for compliance with state law.

D. Not Liable. No affected employer with an approved CTR program which has made a good faith effort may be held liable for failure to reach the applicable drive-alone or VMT

goals. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 12D, 1993. Formerly 10.24.260)

10.24.240 Adjudicative procedure.

A. Service of the Notice of Infraction. An adjudicative procedure under this chapter shall be commenced by the issuance of a notice of civil infraction. Service of a notice of civil infraction shall be by personal service or by certified mail, return receipt requested.

B. Contents of the Notice of Civil Infraction. The notice of civil infraction shall contain the following:

1. A statement that the notice represents a determination that a civil infraction has been committed by the affected employer or newly affected employer named in the notice and that the determination is final unless contested as provided in this chapter;

2. A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

3. A statement identifying the party issued the notice of civil infraction;

4. A statement identifying the nature of the violation for which the notice was issued;

5. A statement of the monetary penalty established for the civil infraction;

6. A statement identifying the party's right to appeal the notice of civil infraction, and the appeal procedure;

7. A statement that a party must respond to a notice of civil infraction within 15 days of the date the notice of civil infraction is received;

8. A statement that failure to respond to the notice of civil infraction as directed in this chapter shall result in the entry of a default judgment against the party named in the notice of civil infraction for the cited monetary penalty.

C. Failure to Respond. A notice of civil infraction represents a determination that a civil infraction has been committed. The determination shall be final unless appealed as provided in this chapter.

D. Hearing on a Civil Infraction.

1. An affected employer or newly affected employer issued a notice of civil infraction may request a hearing on the notice of civil infraction by submitting to the presiding officer a written request for a hearing not later than 15 days from the date the notice of civil infraction was served. For the purpose of this subsection, a notice of civil infraction that is served via certified mail, return receipt requested, shall be deemed to have been served three days after the notice was placed in the U.S. mail.

2. The presiding officer shall schedule a meeting between the affected employer or newly affected employer and the presiding officer not later than 15 days after a timely hearing request is filed. At such meeting, the affected employer or newly affected employer shall explain its view of the alleged infraction and the presiding officer shall explain Kitsap Transit's view of the matter.

3. The presiding officer shall consider the testimony offered by the employer or newly affected employer and Kitsap Transit's position in reviewing the propriety of the notice of infraction. If the presiding officer shall, within 10 days after the meeting, serve the employer and Kitsap Transit with a written determination. The written determination shall state the presiding officer's reason(s) for affirming or overturning the notice of infraction. In cases where the presiding officer affirms the notice of infraction, the written determination shall also include information about appeal procedures.

4. The written findings of the presiding officer shall be considered an initial order. If the affected or newly affected employer does not appeal as provided for in this chapter, the initial order shall become the final order. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 12E, 1993. Formerly 10.24.270)

10.24.250 Appeals.

A. Venue. The affected or newly affected employer may appeal the initial order of the presiding officer to the south division of the Kitsap County district court. Alternatively, the

employer may appeal the initial order pursuant to the administrative process set forth in subsection C of this section.

B. Time. An appeal of the presiding officer's initial order pursuant to this section shall be commenced by filing, within 30 days of the issuance of the presiding officer's written determination, a written notice of appeal with the district court, in cases where the employer seeks review by the district court, or with Kitsap Transit, in cases where the employer seeks administrative review pursuant to this section.

C. Administrative Review Process.

1. Upon receiving a timely written notice of appeal of the presiding officer's initial order, Kitsap Transit shall hire and pay for a hearing examiner for the sole purpose of hearing the appeal of the order.

2. Appeals shall be heard within 60 days of the date the notice of appeal is received by Kitsap Transit; provided, that no appeal shall be set less than 15 days after notice of the date for the appeal is mailed by certified mail, return receipt requested, to the party seeking review.

3. The hearing examiner shall evaluate employers' appeals of initial orders issued pursuant to BIMC 10.24.240 by determining if the decisions were consistent with this chapter, the statute, and the CTR board administrative guidelines. The presiding officer's initial order may be overturned by the hearing examiner if the employer establishes that the violations for which the employer was cited occurred for the reasons beyond the control of the employer, or, in cases where the employer was cited for failing to modify its CTR program as directed by Kitsap Transit, the employer establishes that the modifications required by Kitsap Transit are unlikely to reduce the proportion of drive-alone commute trips and/or VMT per employee.

4. The decision of the hearing examiner shall be final, unless appealed to the Kitsap County superior court within 20 days from the date of the issuance of the decision. (Ord. 2009-16 § 1, 2009; Ord. 99-33 § 1, 1999; Ord. 93-09 § 13, 1993. Formerly 10.24.280)

Chapter 10.28

COMPRESSION BRAKES

Sections:

- 10.28.010 Prohibited.
- 10.28.020 Signposting.
- 10.28.030 Violation – Penalty.

10.28.010 Prohibited.

No person shall use motor vehicle brakes within the city limits of the city of Bainbridge Island which are in any way activated or operated by the compression of the engine of the motor vehicle or any unit or part thereof unless the brakes are muffled. (Ord. 95-32 § 1, 1995)

10.28.020 Signposting.

The public works department is authorized and directed to post appropriate signage consistent with the provisions of this chapter. (Ord. 95-32 § 3, 1995)

10.28.030 Violation – Penalty.

Any person violating the provisions of this chapter shall have committed a traffic infraction and a maximum penalty of \$250.00 shall be imposed. (Ord. 95-32 § 2, 1995)

Chapter 10.30

BICYCLE SAFETY AND HELMETS

Sections:

- 10.30.010 Purpose and policy.
- 10.30.020 Definitions.
- 10.30.030 Helmet required.
- 10.30.040 Bicycle races and events – Bicycle helmet required.
- 10.30.050 Helmet sales – Safety standards.
- 10.30.060 Penalties – Civil infraction.
- 10.30.070 Enforcement/ implementation.

10.30.010 Purpose and policy.

A. This chapter is enacted as an exercise of the police power of the city of Bainbridge Island to protect and preserve the public health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is the express purpose of this chapter to provide for and to promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

C. Nothing contained in this chapter is intended to be, or shall be, construed to create a duty to enforce this chapter or to form the basis for liability on the part of the city of Bainbridge Island or its officers, employees, or agents, for any injury or damage resulting from the failure of any person to comply with this chapter. No provision of this chapter is intended to impose any duty upon the city or any of its officers or employees, which would subject them to damage in a civil action. (Ord. 2001-06 § 1, 2001)

10.30.020 Definitions.

As used in this chapter, the following terms shall have the meaning 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 tan-

dem 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, and within this chapter shall include any attached trailers, side cars, and/or other device being towed by a bicycle.

B. "Guardian" means a parent, legal guardian, 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 has been identified by its manufacturer as conforming to, or exceeding the design safety standards adopted by U.S. Consumer Product Safety Commission standard (CPSC), or such subsequently nationally recognized standard for bicycle helmet performance as the city council may adopt.

D. "Public area" means public roadways, bicycle paths, parks, or any right-of-way, publicly owned property within the city of Bainbridge Island.

E. "Recreational vehicle" means non-motorized skateboards, roller skates, roller blades, scooters and hoofed conveyances. (Ord. 2001-06 § 1, 2001)

10.30.030 Helmet required.

A. Any person who operates or rides a bicycle or recreational vehicle or horse in or upon any public area shall wear a helmet. The helmet shall have either the neck- or chin-strap fastened securely while the bicycle or recreational vehicle is in motion.

B. No person shall tow or transport a person on a bicycle or recreational vehicle in or upon any public area, unless the person is wearing a helmet.

C. A parent or guardian shall be responsible for requiring that a child under the age of 18 years wears a helmet, the neck- or chin-strap of which must be fastened securely, while that child is on a bicycle or recreational vehicle in motion, in any public area in the city.

D. A rider is exempted from the requirements of this chapter if the rider has in his or her possession a letter or memo signed by a

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medical doctor licensed in the state of Washington indicating that the use of any helmet is harmful to the health or safety of the rider. (Ord. 2001-06 § 1, 2001)

**10.30.040 Bicycle races and events –
Bicycle helmet required.**

A. Any person or organization managing a bicycle race, an organized event involving bicycling, or a bicycle tour, which will take place in whole or in part in any public area, shall notify participants of the requirement to wear a helmet during the event, race, or tour, and such persons and organizations shall reject participants who fail to comply with the provisions of this chapter.

B. The person or organization managing any such event, race, or tour shall include the helmet requirement in any promotional brochures and on registration materials. (Ord. 2001-06 § 1, 2001)

10.30.050 Helmet sales – Safety standards.

No person shall sell or offer for sale a helmet that does not meet or exceed the safety standards set forth in this chapter. (Ord. 2001-06 § 1, 2001)

10.30.060 Penalties – Civil infraction.

A. Any person or organization violating any of the provisions of this chapter shall have committed an infraction. The first time this infraction occurs, a written warning of the violation may be issued; after the second violation, the person shall be liable for monetary penalties as set forth in Chapter 7.80 RCW, not to exceed \$10.00 exclusive of statutory assessments.

B. The court may waive, reduce or suspend the penalty and dismiss the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year after the first court appearance for a violation, and provides proof that he or she has acquired a helmet.

C. In order to educate the public concerning the provisions of this chapter, during the first year following the effective date of this chapter, a person violating BIMC 10.30.030 will not be subject to a civil infraction mone-

tary penalty, though a written warning of the violation may be issued. Following the first year from the effective date of this chapter, a violator may be issued a regular notice of civil infraction. (Ord. 2001-06 § 1, 2001)

10.30.070 Enforcement/implementation.

A. The Bainbridge Island police department, within the city of Bainbridge Island, shall be responsible for enforcement of the provisions of this chapter and is authorized to issue infractions to persons who fail to comply with this chapter.

B. In order to provide an effective means of implementing a requirement for all recreational vehicles and their passengers to wear helmets, the Bainbridge Island police department is authorized to work with other public and private agencies to develop a program of helmet awareness designed to promote use of helmets by all ages. In order to educate the public concerning the provisions of this chapter during the period of one year from the effective date of the ordinance codified in this chapter, a person violating BIMC 10.30.030 will not be subject to a civil infraction though a written warning of the violation may be issued. After the effective date of the ordinance codified in this chapter, a violator may be issued a regular notice of civil infraction. If this is the first time a person has been issued a notice of civil infraction for a violation of BIMC 10.30.030 and he or she appears in person before the court and establishes that he or she has obtained a bicycle helmet in order to comply with said section or has attended a bicycle helmet safety course sponsored by the Bainbridge Island police department, the court may dismiss the notice of civil infraction without costs.

C. The Bainbridge Island public works department shall conspicuously post on major arterials two street signs advising bicyclists that the helmet ordinance is in effect.

D. No suit or action may be commenced or prosecuted against the law enforcement officer, law enforcement agency, the city or any political subdivision of the state for any act resulting from a person's failure to comply with this chapter. (Ord. 2001-06 § 1, 2001)

Chapter 10.32

IMPOUNDMENT OF VEHICLES

Sections:

- 10.32.010 Purpose – Applicable state law.**
- 10.32.020 Impoundment authorization.**
- 10.32.030 Impoundment without prior notice.**
- 10.32.040 Impoundment after notice.**
- 10.32.050 Impoundment procedure.**
- 10.32.060 Notice of impoundment – Procedure for redemption.**
- 10.32.070 Post impoundment hearing rights and procedure.**
- 10.32.080 Other available remedies.**
- 10.32.090 Contract for towing and storage.**

10.32.010 Purpose – Applicable state law.

The provisions of this chapter authorize the impoundment of vehicles upon city right-of-way and city owned, leased or operated property, in accordance with Chapter 46.55 RCW. Applicable provisions of Chapter 46.55 RCW, as now or hereafter amended, are incorporated into this chapter by reference. (Ord. 2003-04 § 1, 2003)

10.32.020 Impoundment authorization.

Any vehicle parked on any city right-of-way or city owned, leased or operated property in violation of any law, ordinance or regulation is subject to citation by a law enforcement officer, and/or impoundment in accordance with this chapter by the law enforcement officer or a public official having jurisdiction over the right-of-way or property upon which the vehicle is located. (Ord. 2003-04 § 1, 2003)

10.32.030 Impoundment without prior notice.

A vehicle subject to impoundment under this chapter may be impounded without citation and without prior notice to its registered and legal owners under the following circumstances:

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

B. When the vehicle is parked in violation of a parking restriction sign, or when the vehicle is interfering, or is likely to interfere, with the intended use of the restricted parking zone;

C. When the vehicle poses an immediate danger to public safety;

D. When a law enforcement officer has probable cause to believe that the vehicle is stolen;

E. When a law enforcement officer has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary to obtain or preserve such evidence; or

F. When the vehicle is parked in violation of any city ordinance, and has been issued four or more notices of the same parking violation, none of which have been responded to in accordance with city ordinance for at least 45 days from the issuance of the notice of violation. (Ord. 2003-04 § 1, 2003)

10.32.040 Impoundment after notice.

A vehicle not subject to impoundment under BIMC 10.32.030 may be impounded after it has been cited for a violation of any law, ordinance or regulation, or when it is deemed a junk vehicle, as defined in RCW 46.55.010(4). A notice of impoundment, pursuant to RCW 46.55.085, shall be securely attached to, and conspicuously displayed on, the vehicle for a period of 24 hours prior to impoundment. (Ord. 2003-04 § 1, 2003)

10.32.050 Impoundment procedure.

A vehicle impounded pursuant to this chapter shall be towed and stored by a tow operator selected in accordance with BIMC 10.32.090. (Ord. 2003-04 § 1, 2003)

10.32.060 Notice of impoundment – Procedure for redemption.

A. Not more than 24 hours after impounding a vehicle, the tow operator shall send by first class mail to the last known registered and legal owners of the vehicle (1) a notice con-

taining the full particulars of the impoundment, the redemption procedure, and the opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120, and (2) forms for requesting the hearing. The tow operator also shall give the notice and forms to any person redeeming the vehicle within the 24-hour period.

B. The procedure for redemption of an impounded vehicle shall be in accordance with Chapter 46.55 RCW. (Ord. 2003-04 § 1, 2003)

10.32.070 Post impoundment hearing rights and procedure.

A. The registered or legal owner of the vehicle may request a hearing in the city municipal court to contest the validity of the impoundment. The request for a hearing shall be made on the form provided by the tow operator, and shall be received by the city municipal court within 10 days (including Saturdays, Sundays and holidays) of the date on which the notice and forms were mailed. If the request for such a hearing is not received by the city municipal court within the 10-day period, then the right to a hearing shall be deemed waived and the registered and legal owners shall be liable for any towing, storage and other charges authorized by Chapter 46.55 RCW.

B. The procedure for the hearing to contest the validity of an impoundment shall be in accordance with Chapter 46.55 RCW. (Ord. 2003-04 § 1, 2003)

10.32.080 Other available remedies.

A citation issued to and/or impoundment of a vehicle pursuant to this chapter does not preclude the institution and prosecution of charges in the city municipal court or other appropriate court for violation of any other provision of this code. (Ord. 2003-04 § 1, 2003)

10.32.090 Contract for towing and storage.

A. The finance director is authorized and directed to prepare specifications for, and documents related to, the selection of tow operators for the towing and storage of vehicles under this chapter. The specifications and documents shall be approved by the city manager.

B. In awarding a contract to a tow operator, the finance director shall consider, among other relevant factors, the following:

1. General experience in providing towing and storage services;
2. Conduct and performance with a city of similar size and job scope or under a previous city towing contract demonstrating honesty, promptness, skill, efficiency and vehicle owner satisfaction;
3. Existing availability of equipment, facilities, services and personnel; and
4. Financial ability, storage capacity, location(s), types of services and willingness to improve or expand available equipment, facilities and/or services.

The contract shall be contingent upon proof that the tow operator is properly licensed to do business in the city and registered and licensed by the state in accordance with Chapter 46.55 RCW.

C. Subsequent to award of the contract, the finance director shall file a written statement with the city clerk providing the name, address, telephone number, facsimile number and email address of the contractor and the address of each storage place. The finance director shall administer and enforce the contract.

D. The tow operator shall comply with all applicable laws, ordinances and regulations, including Chapter 46.55 RCW and any regulations promulgated by the finance director for the handling and disposing of towed vehicles. The finance director may cancel the contract upon evidence that the tow operator has failed to comply with such laws, ordinances and regulations. (Ord. 2009-21 § 34, 2009; Ord. 2003-04 § 1, 2003)

