



PLANNING COMMISSION MEETING AGENDA

August 24, 2016 7:00 p.m.

1. Call to Order and Roll Call

- A. Chair Reeves; Vice-Chair Ripplinger
- B. Commissioners Whalen, Balsley, Hutson, Gillespie and Vacant

2. Citizen Comment Period

3. Additions, Deletions, Corrections to this Meeting's Agenda

4. Approval of Minutes

- A. July 27, 2016 Regular Meeting

5. Old Business

- A. Discussion Items
 - i. Sign Code – Finalize Redlines
 - ii. Nuisance Vehicle Code
 - iii. Commission Bylaws and Procedures

6. New Business

- A. Discussion Item(s)
 - i. Orientation Packet
 - ii. Milton Days – Recap
 - iii. Transportation/School/Parks Impact Fees

7. Commissioner Reports

8. Staff Updates

9. Next Meeting – September 28, 2016– Old and New Business Planned to be on the Agenda

- A. Sign Code – Pass motion to recommend changes to Council
- B. Substandard Lots – Continue Discussion
- C. Nuisance Vehicle Code – Continue Discussion

10. Adjournment

The City of Milton Planning Commission creates land use policy incorporating the citizen's voice and makes recommendations to City Council to establish and enhance a framework of standards in order to preserve the integrity and quality of life in the community.



Regular Meeting Wednesday
 July 27, 2016
 7:00 p.m.

1. CALL TO ORDER AND ROLL CALL

Present: Chair Reeves, Commissioners Balsley, Hutson, and Gillespie

Absent: Commissioners Ripplinger, and Whalen

City Representatives: Deputy Clerk Jill Schwerzler, Director Mark Howlett

Commissioner Balsley **MOVED** seconded by Commissioner Hutson to excuse Commissioners Whalen and Ripplinger **APPROVED 4/0**

2. CITIZEN COMMENT PERIOD

Speaker	Address	Comments
Tom Boyle	1109 9 th Ave	The Nuisance Vehicle Code was originally presented to the Planning Commission in January. He expressed his frustration that it is now August and the Commission still hasn't put anything together to present to council. Semi-truck parking issues on Hwy 99 are going to become more of an issue unless the city puts "No Parking" signs out there. The City needs to prepare to spend money on this.

3. ADDITIONS, DELETIONS OR CORRECTIONS TO THIS MEETINGS AGENDA

Chair Reeves moved to strike item 6.B i Sign Code – Continuing Product from Previous Meetings

Commissioner Balsley **MOTIONED** seconded by Commissioner Gillespie to strike item 6Bi Sign Code and continue the discussion on the August 24th meeting.
PASSED 4/0

4. CONSENT AGENDA

Approval of:

- Minutes
 - ~~March 23, 2016 Regular Meeting~~
Moving this consent item to the August 24th meeting for approval as new members were not present at this meeting.
 - June 22nd, 2016 Workshop
Commissioner Hutson **MOVED** seconded by Commissioner Balsley to approve the June 22nd Workshop Minutes. **APPROVED 4/0**
 - June 22, 2016 Regular Meeting
Commissioner Hutson **MOVED** seconded by Commissioner Balsley to approve the June 22nd Regular Meeting Minutes. **APPROVED 4/0**

5. Public Hearing

A. Transportation Impact Fees

Chair Reeves opened the Public Hearing at 7:10pm

Director Howlett spoke on the options the state gave the city for deferring the fees, and inquired which option the Commission wants to recommend to council.

1. At Final Inspection
2. At time of issuance of certificate of occupancy
3. Closing of the sale of the first property

Speaker	Address	Comments
Tom Boyle	1109 9 th Ave	Would like to defer the payment to the issuance of certificate of occupancy.

Chair Reeves closed the Public Hearing at 7:16pm

6. OLD BUSINESS

A. ACTION ITEMS

i. Transportation Impact Fees Deferral

Discussion ensued on the 3 options and a call for the vote was taken:

- Commissioner Gillespie** - Issuance of the certificate of occupancy in order to make Milton an attractive option for builders.
- Commissioner Balsley** - Certificate of Occupancy
- Commissioner Hutson** - Certificate of Occupancy
- Chair Reeves** - Certificate of Occupancy

Commissioner Gillespie **MOVED** seconded by Commissioner Hutson that the Planning Commission recommend to the City Council to revise City Code to provide a provision for deferring the collection of Transportation Impact Fees until the time of Certificate of Occupancy or equivalent certificate.
APPROVED 4/0

B. Discussion Items

~~i. Sign Code-Continuing Work Production from Previous Meetings~~

Tabled this topic until August 24th meeting.

ii. Low Impact Development

Director Howlett spoke about how the Washington State Department of Ecology has mandated the City implement Low Impact Development into City Code by December 31, 2016.

This is a requirement from the National Pollution Discharge Elimination System, it's a permit every city in Washington is required to have.

Chair Reeves explained this item was on the agenda mainly to bring the newer commissioners up to speed. She asked that the commissioners read the materials provided and be ready as Stormwater Compliance Official Jamie Carter will be at the August 24th meeting and available for any questions they may have.

iii. Nuisance Vehicle Code

Director Howlett spoke on this item originally presented by Code Enforcement Officer Hobbs at the Commissioners Retreat in February. Discussed his request to revise the City Code to give him the tools to better implement enforcement of "nuisance vehicles."

Commissioners compared the Milton Municipal Code to what Puyallup's City Code says.

Chair Reeves read:

- Puyallup Municipal Code 10.36.110 "Extended Parking and Certain Vehicles Prohibited"
- Milton Municipal Code (MMC) 10.24.030 Extended Parking and Certain Vehicles Prohibited Section C. "Qualified Vehicles"

Discussion ensued. Commissioners want to add amendment to incorporate 72 consecutive hours, to catch those who would rotate vehicles out.

Director Howlett will put something together based off the commissioner's discussion he will speak to Officer Hobbs and he will then email what he comes up with and everyone then they can discuss it at the next meeting.

iv. Zoning Map Revisions

Chair Reeves showed the land use map to the new commissioners.

~~v. Commissions Bylaws and Procedures~~

Tabled this topic until August 24th meeting due to Commissioner Ripplingers absence.

7. NEW BUSINESS

A. Discussion Item(s)

i. Street Standards

Director Howlett was asked by a council member to bring this topic to the commissioners for review. He then gave an overview of how street standards are adopted, reviewing maps out of the Milton Comprehensive Plan.

Chair Reeves requested more clarification on what was being requested of the commissioners, suggesting it would help to review pictures of other city streets to compare them to the streets in Milton, to figure out what's working and what is not. Chair Reeves asked if Director Howlett could get some direction from the council member, to see if he/she had something in particular in mind for the commissioners to focus on and what those specifics might be. Once he obtains those details he will bring it back to the commissioners for follow up.

ii. **Milton Days**

Looking for volunteers to man the Planning Commission booth on Saturday August 20th 9am-6pm. Commissioner Gillespie will be assisting in the Fife Milton Chamber booth which will be in the tennis courts with the city booths so he'll be available from 2pm-6pm Chair Reeves will be there and available for the majority of the day.

8. **COMMISSIONERS REPORT**

Commissioner Gillespie- The First Clean City Green City event on July 16th was a HUGE success. The goal was to clean up Pacific Highway from Porter Way up to the Milton border. 31 volunteers showed up in a little over 4 hours they filled two large dumpsters! The second phase will be scheduled soon so check back and get involved.

Commissioner Balsley- Thanked Commissioner Gillespie for his dedication and commitment to the community with his Clean City Green City Event. She was amazed to see so many willing participants out there helping. The August chamber lunch will host Russ Blout from the City of Fife to discuss the 167 Project. Don't forget to come out to Milton Days there are tons of vendors it's going to be great.

Commissioner Hutson- Commended Commissioner Gillespie on his event and committed to participating in the second phase.

Chair Reeves- Suggested everyone take a look at the Planning Commissioner Bylaws. Be ready to discuss them in the next meeting. Uptown Standards are now available online for viewing. Every commissioner should have a copy of the City Comprehensive Plan; Chair Reeves will provide a copy to Commissioner Hutson and Gillespie.

9. **STAFF UPDATES**

Direction Howlett- He will be attending the chamber event on the 167 project and encouraged other commissioners to attend as well. Discussed an idea of giving new commissioners a "Planning Commissioners Orientation Packet" he will send his ideas out to the group at a later date.

10. **NEXT MEETING** – August 24th 2016 – Old and New Business Planned to be on Agenda

- a. Sign Code – Continue with Work Product
- b. Substandard Lots – Continued Discussion – Action Possible
- c. Nuisance Code – Continued Discussion
- d. Low Impact Development – Continued Discussion
- e. Street Standards – Continued Discussion
- f. Commissions Bylaws and Procedures

Chair, Rose Reeves Date

Deputy Clerk, Jill Schwerzler Date



Agenda Item #: 5.A.i

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., City Engineer/Interim Public Works Director
Date: August 24, 2016
Re: Sign Code Update - Finalize

ATTACHMENTS: None

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: The Commission has been working on this item for some time. At this meeting the goal is to complete the review of the city code and finalize a red-line version of the document for final attorney review and ultimately forwarded these recommendations to the City Council.

Commission members are encouraged to bring their marked-up copy of the code from the previous Planning Commission meetings.



Agenda Item #: 5.A.ii

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., City Engineer/Interim Public Works Director
Date: August 24, 2016
Re: Nuisance Vehicle Code

ATTACHMENTS: Milton Municipal Code 9.53 – Nuisance Code
Milton Municipal Code Chapter 10 – Traffic Code
Excerpt from Puyallup City Code Regarding Vehicles

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: Earlier this year Officer Hobbs, the City's Code Enforcement Officer, presented information regarding nuisance vehicles and presented to the Commission some of the challenges he faces regarding code violations and the overall enforcement of nuisances, especially vehicles.

It was decided that this item should be revisited and the Commission should take a comprehensive review of the City's Nuisance Code with respect to vehicles and make a recommendation to City Council about proposed revisions to the Code.

Staff will present additional information providing more details at the meeting.

At this meeting the Commission will discuss potential revisions to the City Code to provide a mechanism for addressing the issue of nuisance vehicles.

Chapter 9.53 NUISANCE CODE

Sections:

- [9.53.010](#) Purpose.
- [9.53.020](#) Definitions.
- [9.53.030](#) Unlawful to permit or maintain nuisances.
- [9.53.040](#) Public nuisances enumerated.
- [9.53.060](#) Complaints and investigation.
- [9.53.070](#) Enforcement.
- [9.53.190](#) Additional enforcement procedures.

9.53.010 Purpose.

To create regulatory procedures to:

- A. Maintain and upgrade the enjoyment by the public of public property;
- B. Maintain and enhance the value of private property within the boundaries of the city of Milton; and
- C. Maintain the health, safety and security of the residents of the city of Milton. (Ord. 1675 § 1, 2006).

9.53.020 Definitions.

“Nuisance” means unlawfully doing an act, or omitting to perform a duty, which act or omission annoys, injures or endangers the comfort, repose, health or safety of others; offends decency; obstructs or tends to obstruct, or render dangerous for passage, any stream or waterway, or any public park, square, or commons, or street, alleyway, or right-of-way; or in any way renders persons insecure in life or in the use of property.

“Public nuisance” means a nuisance which occurs on public property or affects equally the rights of an entire community or neighborhood, although the extent of damage may be unequal. (Ord. 1675 § 1, 2006).

9.53.030 Unlawful to permit or maintain nuisances.

It is unlawful for any person, by himself or by his agents or employees, or as the agent or employee of another person, firm or corporation, to do or permit to be done upon any premises over which he has control, or maintain, carry on, suffer or allow any of the acts or things declared to be public nuisances by any chapter of the MMC; or to do or cause or permit or suffer to be done, or to maintain any act or thing which is detrimental or injurious to public health, or offensive to the senses, or contrary to public decency or morality. If the owner or

agent of any premises has actual or constructive knowledge of the maintenance on or in his premises of any public nuisance, as defined in any chapter or section of the MMC, he shall be deemed one of the persons in control of the premises. (Ord. 1675 § 1, 2006).

9.53.040 Public nuisances enumerated.

Public nuisances shall include, but not be limited to, the following:

A. Abandoned, used or unused, discarded or stored icebox, refrigerator, freezer or other containers having a door with a latch or lock that cannot be opened from the inside.

B. The improper storage or keeping of any explosives, chemical substances, mixtures or wastes as defined in the Toxic Substances Control Act, [15 U.S.C. Sections 2601 through 2692](#); hazardous substances, materials or wastes as defined under the Washington Model Toxics Control Act, Chapter [70.105D](#) RCW, that could reasonably be expected to be harmful or injurious to the public or children that are used, stored or kept on private property or at a construction site or any commercial property in an unlocked enclosure or in such a manner that it could reasonably be expected that children could access the same.

C. Any structure or building of any nature that is not regularly occupied or that may be abandoned that any person or child could enter and may not reasonably be expected to extricate themselves, or may reasonably be expected that they could be injured thereon.

D. The existence of any open or unsecure well, pit, shaft, storage tank, cistern or any similar situation that is not securely closed and made inaccessible to the general public or children.

E. Open excavations, ditches, trenches or swimming pools whereby an adult or child could reasonably be expected to injure themselves if such adult or child were to fall or slip into the same, other than designed and approved storm detention facilities, where such open excavation, ditch or trench remains open and exposed. Active construction that has ceased for a period of seven days or more, that has open excavations, ditches, or trenches that are not covered or secured, shall qualify as an attractive nuisance.

F. Machinery and equipment on a construction site or on a private lot which is accessible to a child and that may be potentially dangerous if children were to be playing on or about the same. Machinery and equipment includes all motorized construction equipment; electrical, gas-operated and air pressure tools and equipment and potentially dangerous hand tools left in such a condition where adequate precautions reasonably designed to prevent access by an adult or child such as fencing, warnings, red or orange warning tape, patrolling or monitoring of the immediate area in question are missing or not in place.

G. To place or allow to remain the carcass of any animal or any offal, filth, or similarly odorous substance in any place to the offense of others.

H. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in or near any watercourse, stream, lake, pond, spring, or well, or in any manner to pollute the water of any such spring, stream, pond, lake, or well, to the injury of others.

I. Bodies of Water. Except for city-approved structures connected to storm drainage systems, to maintain any stagnant, pooled water in which mosquitoes, flies or other insects may multiply.

J. Offensive Smells. To use any building, or other place, in a manner that unreasonably produces obnoxious or offensive smells, and/or produces an odor that is dangerous to the health of individuals or of the public.

K. To maintain an unauthorized place:

1. Wherein any fighting between people or animals or birds shall be conducted; or
2. Wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or
3. Where vagrants congregate.

L. Any violation of the City of Milton Municipal Code, ordinances or regulations.

M. Vegetation.

1. Overhanging limbs or branches that are less than eight feet above a public walkway or sidewalk, or less than 14 feet above a public street; or
2. Vegetation that obstructs or hinders the use of any public walkway, sidewalk, or street, or that obstructs or obscures the view of traffic or traffic control devices; or
3. Dead, decaying or diseased trees or branches that pose a fire hazard or a threat to human life or property; or
4. Grass, weeds, shrubs, bushes, refuse, trees or other types of plants or vegetation that is left growing in an unmaintained or uncontrolled manner or which is left in a pile or piles or scattered about on any property and becomes a fire hazard or a gathering place for rodents, skunks, wasps, or other animals, pests or insects; or

5. Noxious weeds, meaning a plant or plants that when established are highly destructive, competitive or difficult to control by cultural or chemical practices or that may be listed in the "Washington State Noxious Weeds List" established pursuant to Chapter [17.10](#) RCW, that are left growing uncontrolled or left growing where no action is taken to eliminate or eradicate the same, and as a result thereof, the noxious weeds have spread or are reasonably expected to spread to residential properties in the immediate vicinity.

N. Sidewalks.

1. Any protrusion, awning, sign or overhang that inhibits or obstructs use of a public walkway or sidewalk; or
2. Any object or damage that inhibits or obstructs the surface of a public walkway or sidewalk; or
3. Snow or ice not removed from a public sidewalk within a reasonable time; or
4. Accumulations of dirt or debris not removed from a public sidewalk.

O. Insect or Vermin Attractions. Creating or maintaining accumulations of matter, including foodstuffs, that harbors or is an attraction for the infestation of insects or vermin or failing to eliminate such infestations, or failing to eliminate intrusive insects such as tent caterpillars.

P. Garbage, Recyclables, and Compost.

1. Garbage not kept in a proper receptacle with a tight-fitting lid;
2. Recyclables not properly stored and regularly disposed of;
3. Compost not kept in a manner to prevent it from attracting infestations of insects or emitting foul odors.

Q. Construction Materials. Significant accumulations, stacks, or piles of building or construction materials not associated with a permitted, current in-progress project including metal, wood, wire, electrical or plumbing materials in disarray or exposed to the elements on the property.

R. Fire Hazards. Stacks or accumulations of newspapers, cardboard, or other paper, cloth, or wood products left in a manner that could pose a substantial risk of combustion or the spread of fire.

S. Furniture and Appliances. All broken or discarded household furniture, furnishings or equipment, or any appliances not in an approved enclosed structure.

T. Debris and Trash. Accumulations of broken or neglected items, litter, salvage materials, and junk not in an approved enclosed structure.

U. Damaged Structures. Walls, fences or other constructed objects that are decayed, damaged, or in disrepair to the extent that they pose a threat of collapse, structural failure, or falling.

V. Failure to Maintain Community Property. The failure to maintain open space, drainage systems, or any other community facilities as required by a development permit condition of approval or any covenants or deed restrictions required by a development permit. (Ord. 1675 § 1, 2006).

9.53.060 Complaints and investigation.

Enforcement of this chapter or any section of the MMC pursuant to this section shall be initiated upon the filing of a complaint and shall be investigated and enforced as required by Chapter [1.08](#) MMC. (Ord. 1675 § 1, 2006).

9.53.070 Enforcement.

In addition to serving as public nuisances subject to abatement, the prohibition of public nuisances in MMC 9.53.030 shall constitute minimum standards for the use or occupancy of any building, structure or premises. Violation of these minimum standards shall constitute a civil infraction as governed by Chapter [7.80](#) RCW and the Infraction Rules for Courts of Limited Jurisdiction, as now or hereafter amended. Each violation of MMC [9.53.030](#) shall be subject to a \$50.00 monetary penalty for the first violation in any year-long period (Class 3 civil infraction), a \$125.00 monetary penalty for a second violation (Class 2 civil infraction) and a \$250.00 monetary penalty for each violation (Class 3 civil violation) thereafter. Each day of violation shall constitute a separate violation. (Ord. 1675 § 1, 2006).

9.53.190 Additional enforcement procedures.

The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by the Milton Municipal Code except as precluded by law. (Ord. 1675 § 1, 2006).

Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 Traffic Code**
- 10.08 Speed Limits**
- 10.12 Bicycles**
- 10.16 Street Closures**
- 10.20 *Repealed***
- 10.21 Junk Vehicles – Vehicle Storage**
- 10.24 No Parking Zones**
- 10.28 Load Limits**
- 10.36 Compression Brakes**
- 10.38 Fire Lanes**
- 10.42 Truck Route**

Chapter 10.04

TRAFFIC CODE¹

Sections:

10.04.010 Statutes adopted by reference.

10.04.020 Repealed.

10.04.030 Disposition of fines and forfeitures.

10.04.040 Neglect of duty designated official misconduct.

10.04.050 Copies on file.

10.04.060 Repealed.

10.04.070 Repealed.

10.04.080 Repealed.

10.04.010 Statutes adopted by reference.

A. The readopted Washington Model Traffic Ordinance of the Washington Administrative Code in Chapter 308-330 WAC is adopted by reference, subject to the provisions set forth below in subsections B and C of this section, and all of the sections of the Revised Code of Washington that are adopted by reference in the Washington Model Traffic Ordinance are also adopted by reference as part of this chapter.

B. Pursuant to RCW 35.21.180 the following sections of the Model Traffic Ordinance, Chapter 308-220 WAC, are not adopted by reference as part of this chapter, as set forth in subsection A of this section, and are expressly excluded: 308-330-210, 308-330-215, 308-330-225, 308-330-230, 308-330-235, 308-330-240, 308-330-245, 308-330-250, 308-330-260, 308-330-265, 308-330-270, 308-330-275, 308-330-500, 308-330-505, 308-330-510, 308-330-515, 308-330-520, 308-330-525, 308-330-530, 308-330-535, 308-330-540, 308-330-730.

C. The following new statutory sections of the "1994 Omnibus Drunk Driving Act" are hereby adopted by reference as part of this chapter:

Chapter 275, Laws of 1994, Section 4;

Chapter 275, Laws of 1994, Section 5;

Chapter 275, Laws of 1994, Section 6;
Chapter 275, Laws of 1994, Section 7;
Chapter 275, Laws of 1994, Section 10;
Chapter 275, Laws of 1994, Section 11;
Chapter 275, Laws of 1994, Section 12;
Chapter 275, Laws of 1994, Section 23;
RCW 46.20.730 as amended by Section 23 of Chapter 275. (Ord. 1240 § 1, 1994; Ord. 996 §§ 1, 2, 1985; Ord. 854 § 1, 1980).

10.04.020 Violation – Penalty.

Repealed by Ord. 1240. (Ord. 854 § 2, 1980).

10.04.030 Disposition of fines and forfeitures.

All fines or forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this chapter shall be paid into the general fund of the city. (Ord. 854 § 3, 1980).

10.04.040 Neglect of duty designated official misconduct.

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture of bail, either before or after a deposit in said general fund, to comply with the provisions of MMC 10.04.030 shall constitute misconduct in office and shall be grounds for removal therefrom, provided appropriate removal action is taken pursuant to state law relating to removal of public officials. (Ord. 854 § 4, 1980).

10.04.050 Copies on file.

Incident to the adoption of the MTO by reference by this chapter, copies of the text of the adopted MTO and of other adopted statutes shall be filed as required by RCW 35.21.180 for use and examination by the public. (Ord. 854 § 5, 1980).

10.04.060 Proof of insurance or financial responsibility required.

Repealed by Ord. 1240. (Ord. 1129 § 1, 1990).

1. Prior legislation: Ord. 540.

10.04.070

10.04.070 Penalty.

Repealed by Ord. 1240. (Ord. 1129 § 1, 1990).

10.04.080 Exceptions.

Repealed by Ord. 1240. (Ord. 1129 § 1, 1990).

Chapter 10.08

SPEED LIMITS

Sections:

- 10.08.010** Maximum speed designated.
- 10.08.020** Signposting responsibility.
- 10.08.030** Increase or decrease authorized when.
- 10.08.040** Violation – Penalty.
- 10.08.050** Speed limit for SR 99.
- 10.08.060** Milton Way – Penalty.
- 10.08.070** Yuma Street.

10.08.010 Maximum speed designated.

The maximum speed limit on all public thoroughfares, streets, roads, and alleys within the city shall be 25 miles per hour, unless decreased or increased pursuant to RCW 46.61.415. (Ord. 558 § 1, 1968).

10.08.020 Signposting responsibility.

The public works director and the police chief shall be responsible severally to ensure that proper and authorized maximum speed limit signs are prominently and properly displayed in accordance herewith. (Ord. 558 § 2, 1968).

10.08.030 Increase or decrease authorized when.

The speed limit set in MMC 10.08.010 for all public highways within the city may be increased or decreased by appropriate ordinance of the city council, but only after and on the basis of an engineering and traffic investigation as provided in RCW 46.61.415. (Ord. 558 § 3, 1968).

10.08.040 Violation – Penalty.

Any person, firm or corporation violating any provision of MMC 10.08.010 through 10.08.030 and/or any posted speed limit shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in Chapter 1.08 MMC. (Ord. 558 § 5, 1968).

10.08.050 Speed limit for SR 99.

The speed limit along SR 99 between Mile Post 1.18 and Mile Post 6.15, within the city of Milton, shall be 45 miles per hour. (Ord. 1693 § 1, 2007; Ord. 582 §§ 1, 2, 1970).

10.08.060 Milton Way – Penalty.

A. The maximum speed of 35 miles per hour is established for Milton Way from the intersection of Milton Way with Porter Way south to the south city limits on Milton Way.

B. Any person who violates any provisions of this code shall be guilty of a misdemeanor and punishable as set forth in Chapter 1.08 MMC. (Ord. 599 §§ 1, 3, 1971).

10.08.070 Yuma Street.

The maximum speed of 25 miles per hour is established for Yuma Street. (Ord. 1502 § 1, 2002).

Chapter 10.12

BICYCLES

Sections:

10.12.010 Voluntary registration and safety check.

10.12.010 Voluntary registration and safety check.

The city council wishes the police department to continue to register bicycles and to check them for safety, but at no charge, and it is a voluntary process. (Ord. 809 § 3, 1980).

10.16.010

Chapter 10.16

STREET CLOSURES

Sections:

10.16.010 Crossing barricades with motor vehicle prohibited.

10.16.020 Violation a misdemeanor.

10.16.010 Crossing barricades with motor vehicle prohibited.

It is unlawful for any person to operate a motor vehicle on, over and across any street within the city closed temporarily by the installation of barricades and notices posted at the end of each closed portion of the street; provided, that the closure of each street shall only be for the duration necessary to protect the restoration of the streets. (Ord. 640 § 1, 1973).

10.16.020 Violation a misdemeanor.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 640 § 2, 1973).

Chapter 10.20

JUNK VEHICLES AS PUBLIC NUISANCES

(Repealed by Ord. 1503)

Chapter 10.21

JUNK VEHICLES – VEHICLE STORAGE¹

Sections:

Article I. Junk Vehicles

- 10.21.010 Declaration of junk vehicles as nuisance.
- 10.21.020 Definition of junk vehicle.
- 10.21.025 Definition of wrecked vehicle.
- 10.21.030 Certifications.
- 10.21.040 Junk vehicle violations.
- 10.21.050 Exceptions.
- 10.21.060 Notices required.
- 10.21.070 Abatement and removal.
- 10.21.080 Cost of abatement and removal.

Article II. Vehicle Storage

- 10.21.090 Definitions.
- 10.21.100 Storage of certain vehicles and components prohibited.
- 10.21.110 Exceptions.
- 10.21.120 Declaration of public nuisance.
- 10.21.130 Enforcement.
- 10.21.140 Third party liability.
- 10.21.150 Violation constitutes infraction.

Article I. Junk Vehicles

10.21.010 Declaration of junk vehicles as nuisance.

Junk motor vehicles in areas not zoned for storage of junk or scrap metal are hereby declared a public nuisance subject to abatement and removal. (Ord. 1420 § 1, 1999).

10.21.020 Definition of junk vehicle.

“Junk vehicle” means a motor vehicle as certified as meeting at least three of the following requirements:

- A. It is three years old or older;
- B. It is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor, or transmission;
- C. It is inoperable; and
- D. It has an approximate fair market value equal only to the approximate value of the scrap in it. (Ord. 1676 § 1, 2006; Ord. 1504 § 1, 2002; Ord. 1420 § 1, 1999).

10.21.025 Definition of wrecked vehicle.

“Wrecked vehicle” means a dismantled or inoperative vehicle or automobile hulk, or the remnants or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms. (Ord. 1504 § 2, 2002).

10.21.030 Certifications.

The mayor, or designee, may inspect and certify that a vehicle meets the requirements of a junk vehicle. Such certification shall be in writing and shall record the make and vehicle identification number or license number of the vehicle, if available. The certifying individual shall describe in detail the factors supporting the determination that the vehicle meets the definition of a junk vehicle. (Ord. 1676 § 2, 2006; Ord. 1420 § 1, 1999).

10.21.040 Junk vehicle violations.

It shall be unlawful to park, store or abandon vehicles on private property, subject only to the exceptions provided in MMC 10.21.050. Such violation shall be deemed a nuisance subject to abatement. (Ord. 1420 § 1, 1999).

10.21.050 Exceptions.

The provisions of this chapter relating to junk vehicles shall not apply to a vehicle or part thereof which:

- A. Is not visible from the street or other public or private property; or
- B. Is stored or parked in a lawful manner on fenced private property in connection with the business of a licensed hulk hauler, tow truck operator, dismantler, repair facility, or motor vehicle dealer and is fenced. (Ord. 1420 § 1, 1999).

1. Prior legislation: Ord. 815.

10.21.060

10.21.060 Notices required.

The last registered owner of the junk vehicle and the property owner of record shall each be given a notice and order pursuant to this chapter. Each shall have the right of appeal as provided by this chapter. The notice and order need not be provided to the last registered owner of the vehicle if the vehicle is in such condition that the identification numbers cannot be readily determined or if the owner of the land has prevented access to the vehicle. (Ord. 1420 § 1, 1999).

10.21.070 Abatement and removal.

After the notice and order becomes final, the junk vehicle or vehicles shall be removed by a licensed tow truck operator or hulk hauler and the mayor or designee shall give notice to the Washington State Department of Licensing. (Ord. 1420 § 1, 1999).

10.21.080 Cost of abatement and removal.

The costs of abatement and removal may be assessed against the last registered owner as in the case of abandoned motor vehicles pursuant to state law, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101 or the costs can be assessed against the owner of property on which the vehicle is stored. The costs of abatement and removal, any civil penalties assessed, and costs incurred by the city may also be imposed and be enforced as provided by law, and pursuant to MMC 10.21.130. (Ord. 1420 § 1, 1999).

Article II. Vehicle Storage

10.21.090 Definitions.

The definitions set forth herein and in other ordinances of the city, as presently existing or as may be hereafter developed or subsequently amended, shall apply to this chapter and, in addition, the following definitions shall apply:

A. "Owner" means any person owning property, as shown on the real property records of Pierce County or on the last assessment roll for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

B. "Property" means land and any buildings or structures located thereon.

C. "Recreation vehicle" means a camping trailer, travel trailer, motor home, truck camper, and any similar vehicular-type units primarily designed as temporary living quarters for recreational, camping or travel use, with or without motor power, being of such size and weight as to be operable over highways without requirement of a special highway movement permit. (Ord. 1420 § 1, 1999).

10.21.100 Storage of certain vehicles and components prohibited.

No person owning, leasing, renting, occupying, being in possession or having charge of any property in the city, including vacant lots, shall retain or store, except as may be permitted by any other city ordinance, any of the following:

A. One or more junked vehicles;

B. Body parts, engines or drive-train parts, or any other parts, assemblies or components of automobiles and other motor vehicles;

C. Any recreational vehicle, boat or trailer which causes a safety hazard;

D. Any pickup truck, camper or canopy (not mounted on a pickup truck) which causes a safety hazard. (Ord. 1504 § 3, 2002; Ord. 1420 § 1, 1999).

10.21.110 Exceptions.

The prohibitions of this chapter shall not apply to the following:

A. A vehicle, recreational vehicle, boat, trailer, or component thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

B. A vehicle, recreational vehicle, boat, trailer, or component thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, and is fenced according to applicable state law; or

C. A vehicle having historic or antique value when such vehicles are stored in a permanent enclosed structure. (Ord. 1504 § 4, 2002; Ord. 1420 § 1, 1999).

10.21.120 Declaration of public nuisance.

The retaining or storage of any vehicle or component in violation of MMC 10.21.100, and not within the exception of MMC 10.21.110, is hereby declared to be a public nuisance and shall be abated by removal. (Ord. 1420 § 1, 1999).

10.21.130 Enforcement.

The provisions of this chapter shall be enforced pursuant to this chapter, as it presently exists or as it may subsequently be amended, and as allowed by law; provided, that the following additional provisions shall be followed:

A. The person(s) designated by the mayor with duties of enforcement of this chapter shall give notice to the last registered owner of record of the vehicle and to the property owner of record that a hearing may be requested but that, if no hearing is requested, the vehicle will be removed and impounded;

B. If a request for a hearing is received, the city shall provide a written notice giving the time, location and date of a hearing on the question of abatement and removal of the vehicle, or part thereof, as a public nuisance, which notice shall be mailed, by certified mail with return receipt requested to the owner of the property as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

C. The owner of the property on which the vehicle, recreational vehicle, boat, trailer, or component thereof, is located may appear in person at the hearing or present a written statement on time for consideration at the hearing, and deny responsibility for the presence of the vehicle or item on the property, with his or her reasons for the denial and, if it is determined at the hearing that the vehicle or item was placed on the land without the consent of the owner, and that the owner has not subsequently acquiesced in its presence, that the city hearing examiner shall not assess costs of administration or removal against the property upon which the vehicle or item is located;

D. After notice has been given of the intent of the city to dispose of the vehicle and, after a hearing, if requested, the vehicle shall be removed at the request of a law enforcement officer with notice to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked; and

E. In addition to the enforcement provisions above, any person who violates this chapter shall be guilty of a misdemeanor and punishable as set forth in Chapter 1.08 MMC. (Ord. 1504 § 5, 2002; Ord. 1420 § 1, 1999).

10.21.140 Third party liability.

A. It is expressly the purpose of this chapter to provide for and 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.

B. It is the specific intent of this chapter to place the obligation of complying with its requirements upon the property owner or owners and no provision nor term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers and employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

C. Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees, or agents. (Ord. 1420 § 1, 1999).

10.21.150

10.21.150 Violation constitutes infraction.

Any violation of MMC 10.21.040 or 10.21.100 shall constitute a civil infraction, subject to the terms and penalties applicable to public nuisances under MMC 9.52.070. (Ord. 1676 § 3, 2006).

Chapter 10.24

NO PARKING ZONES

Sections:

- 10.24.005 Definitions.**
- 10.24.010 Highway 99.**
- 10.24.020 Milton Way – Business district (B) zone.**
- 10.24.030 Extended parking and certain vehicles prohibited.**
- 10.24.080 Model Traffic Ordinance superseded.**
- 10.24.090 Erasing chalk marks.**
- 10.24.110 Penalties.**
- 10.24.120 Impoundment.**
- 10.24.130 Additional enforcement procedures.**

10.24.005 Definitions.

For the purpose of this chapter:

A. "Person" means and includes any individual, firm, copartnership, or corporation.

B. "Street" means any public street, avenue, road, boulevard, highway or other public place located in the city and established for the use of vehicles.

C. "To park (or stand) a vehicle" means there is a prima facie presumption that the registered owner of a violator vehicle was the person who parked such vehicle.

D. "Recreational vehicle" means an enclosed piece of equipment dually used as both a vehicle, a temporary travel home or a full-time home.

E. "Truck" means any of various motor vehicles with a weight capacity in excess of 10,000 pounds, or exceeding seven and one-half feet in width, or exceeding 20 feet in length, designed for carrying or pulling loads, or truck-trailer combinations, including without limitation those commonly known as "semi-trucks."

F. "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles, boats, recreational vehicles and trailers. The term does not include devices other than bicycles moved by

human or animal power or used exclusively upon stationary rails or tracks. (Ord. 1683 § 1, 2006).

10.24.010 Highway 99.

It is unlawful for any person to stop, stand or park any vehicle on the highway right-of-way of that section of Pacific Highway 99 that lies within the corporate limits of the city. (Ord. 1683 § 1, 2006; Ord. 1469 § 1, 2001; Ord. 927 §§ 1, 2, 1983).

10.24.020 Milton Way – Business district (B) zone.

It is unlawful for any person to park any vehicle on the arterial right-of-way, except emergency parking, of Milton Way that is zoned (B) business district or mixed use town center (MX) as defined in Chapters 17.28 and 17.30 MMC and the current city of Milton zoning map. (Ord. 1683 § 1, 2006; Ord. 1469 § 2, 2001).

10.24.030 Extended parking and certain vehicles prohibited.

A. It is unlawful to park a qualified vehicle upon the rights-of-way of the city for more than 72 hours in any 80-hour period, even if the vehicle is moved from one portion of any right-of-way to another.

B. This section shall only apply to vehicles in which the registered owner and/or person responsible for parking has received actual notice of the parking requirements of this section. Actual notice shall include, but not be limited to, the following:

1. Actual receipt of a copy of this section or infraction for a prior violation of this section;

2. A mailed copy of this section to the address of the registered owner (provided, that three days have elapsed since mailing); or

3. Affixing a copy of this section to the windshield of the offending vehicle.

C. "Qualified vehicles," for purposes of this section, means a large vehicle, a recreational vehicle or a trailer. A large vehicle is a vehicle over 10,000 pounds in weight. A trailer includes a boat trailer, camping trailer, house trailer, utility trailer, or any other vehicle or

conveyance designed to be connected to or drawn by a motor vehicle or dray animal. (Ord. 1683 § 1, 2006).

10.24.080 Model Traffic Ordinance superseded.

The requirements of this section supersede any conflicting provisions in the Model Traffic Ordinance, as adopted by MMC 10.04.010, as now or hereafter amended. (Ord. 1683 § 1, 2006).

10.24.090 Erasing chalk marks.

It is a traffic infraction to remove time marks for purposes of evading parking enforcement. "Time marks" are chalk marks on tires or other means by which parking enforcement officials keep track of parking time. (Ord. 1683 § 1, 2006).

10.24.110 Penalties.

Any person who violates the provisions of this chapter shall be guilty of a traffic infraction and subject to penalties under RCW 46.63.110. (Ord. 1683 § 1, 2006; Ord. 1469 § 3, 2001. Formerly 10.24.030).

10.24.120 Impoundment.

Vehicles located on city rights-of-way or other city-owned property parked in violation of this chapter or any other city-enforced parking restriction shall be subject to impoundment under the procedures applicable to unauthorized vehicles in highway rights-of-way as regulated by RCW 46.55.085, as now or hereafter amended. (Ord. 1683 § 1, 2006).

10.24.130 Additional enforcement procedures.

The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by the Milton Municipal Code except as precluded by law. (Ord. 1683 § 1, 2006).

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Chapter 10.28

LOAD LIMITS

Sections:

10.28.010 Fixing limits authorized.

10.28.020 Signposting.

10.28.010 Fixing limits authorized.

The director of public works is authorized and directed to fix load limits on the various streets of the city. In fixing such load limits he shall take into consideration weather conditions, traffic, and the type and quality of street surfacing, ballast and dimensions. (Ord. 489 § 1, 1964).

10.28.020 Signposting.

The load limits shall become effective upon posting of signs. (Ord. 489 § 2, 1964).

Chapter 10.36

COMPRESSION BRAKES

Sections:

10.36.010 Definitions.

10.36.020 Use within corporate limits a nuisance.

10.36.030 Use within corporate limits prohibited.

10.36.010 Definitions.

As used in this chapter:

A. "Brake" means any device used for slowing, halting, or stopping the movement of any motor vehicle.

B. "Motor vehicle" means and includes every self-propelled device capable of being moved upon a public highway and in, upon, or by which any persons or property, is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks, and including automobiles, tractors, trucks, trailers and transportation equipment of all kinds and sizes or any combination or combinations of the same. (Ord. 992, 1985).

10.36.020 Use within corporate limits a nuisance.

A. The city council does hereby find that the use within the corporate limits of motor vehicle brakes which are activated or worked by the compression of the engine of a motor vehicle disturbs and disrupts the public peace and quiet and disturbs the residents of the city in their rest and in the enjoyment of their property and by reason thereof the use of such compression brakes within the corporate limits is a public nuisance.

B. The following shall be exempt from the provisions of subsection A above:

1. Operation of compression brakes on public safety vehicles, including fire department vehicles;

2. Operation of compression brakes in an emergency when necessary for the protection of persons and/or property. (Ord. 1235 § 1, 1994; Ord. 992, 1985).

10.36.030

10.36.030 Use within corporate limits prohibited.

The use within the corporate limits of any motor vehicle brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or of any unit or part thereof is prohibited. (Ord. 992, 1985).

Chapter 10.38

FIRE LANES

Sections:

- 10.38.010 Fire lanes – Establishment, marking, maintaining.**
- 10.38.020 Violations and enforcement.**
- 10.38.030 Effectiveness.**
- 10.38.040 Criminal offense to deface, damage, remove or possess fire lane sign.**

10.38.010 Fire lanes – Establishment, marking, maintaining.

A. Fire Lanes – Establishment. Fire lanes shall be established pursuant to the adopted Uniform Fire Code by the designated official, such as the city fire marshal.

B. Marking of Fire Lanes. All designated fire lanes shall be clearly marked by the property owner/tenant as prescribed by the fire marshal/designee, which marking may include the painting of curbs or striping of rolled curbs or fire lane surfaces without curbs.

C. Fire Lane Signs. The fire marshal/designee shall require that the owners of properties with designated fire lanes mark the fire lanes with signs as set forth below.

1. Fire lane signs shall be installed per the illustration:



Sign width = 12"
Sign height = 18"

Letter size – per approval of fire marshal

- a. Reflective in nature;
- b. Red letters on white background;
- c. Signs shall be spaced 50 feet to 75 feet apart as determined by the fire marshal/designee. The fire marshal may make exceptions when necessary to address unique fire lane location, e.g., curves, corners may require more closely spaced posting. Signs

shall be posted on or immediately adjacent to the curb or fire lane border;

d. Tops of signs shall be not less than four feet nor more than six feet from the ground;

e. Signs may be placed on a building when approved by the fire marshal as an alternative to posting.

When posts are required they shall be a minimum of two-inch galvanized steel or four-inch by four-inch pressure treated wood or, any alternative approved by the fire marshal. Signs shall be placed so they face the direction of the vehicular travel.

D. Maintenance of Fire Lane Signs and Markings. The owner or tenant of property with any designated fire lane shall maintain any fire lane as required by the fire marshal/designee for the purpose of keeping the fire lane clearly marked, posted with signs, and free from obstructions. Such marking, posting, and maintenance shall be at the owner's/tenant's expense.

E. Alternate Materials and Methods. The fire marshal/designee may modify any of the marking and sign provisions herein where practical difficulties exist or an acceptable alternative is available; provided, that the fire marshal shall not have the authority to waive the requirement of posting a sign or the contents of any sign. The particulars of a modification shall be granted in writing by the fire marshal and shall be entered into the records of that office. (Ord. 1311 § 1, 1996).

10.38.020 Violations and enforcement.

A. Obstruction of Fire Lanes Prohibited. The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited, and shall constitute a traffic hazard as defined in state law and an immediate hazard to life and property.

B. Enforcement by Towing. The police department shall have the discretion to have any vehicle (including licensed trailers) obstructing a fire lane towed at the owner's expense. The registered owner of the vehicle shall be notified by the towing company at his/her registered address.

C. Property Owner Responsible. The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall prevent the parking of vehicles or placement of other obstructions in such fire lanes.

D. Violation – Civil Infraction. Any person who fails to mark or maintain the marking of a designated fire lane as prescribed in this chapter, or who parks a vehicle in (including a licensed trailer), allows the parking of a vehicle in, obstructs, or allows the obstruction of a designated fire lane commits a civil infraction to which the provisions of Chapter 7.80 RCW and the "Infraction Rules for Courts of Limited Jurisdiction" (IRLJ) shall apply. The penalty for failing to mark or maintain the marking or signage of a designated fire lane shall be \$76.00 per each day of infraction. The penalty for parking a vehicle in, allowing the parking of a vehicle in, obstructing, or allowing the obstruction of a designated fire lane shall be \$76.00 per each day of infraction.

E. School Bus Exception. School buses using a fire lane on official school business, such as transporting students to/from school, shall be excepted from the parking/obstructing provisions of this section; provided, that the school bus is attended by a driver while occupying a fire lane and that the driver promptly moves the vehicle at the request of the police or fire departments or the school's designated authority.

F. Enforcement by Police Department. The police department is authorized to take such lawful action, including the writing and issuance of citations for civil infractions, as may be required to enforce the provisions of this section. (Ord. 1589 § 2, 2003; Ord. 1311 § 2, 1996).

10.38.030 Effectiveness.

The fire marshal shall give written notice to the owners or tenants or representatives of the owners of properties with designated fire lanes within 14 days of the effective date of the ordinance codified in this chapter that they shall comply with the requirements of this chapter as it applies to their property within 30 days of the notice from the fire marshal. Own-

10.38.040

ers or tenants or representatives of owners of properties designated with fire lanes after passage of the ordinance codified in this chapter shall comply with the requirements of this chapter as it applies to their property within 30 days of notice from the fire marshal. (Ord. 1311 § 3, 1996).

10.38.040 Criminal offense to deface, damage, remove or possess fire lane sign.

It shall be a misdemeanor for any person, without lawful authority, to intentionally or with reckless disregard deface, damage, remove or possess any fire lane sign or sign post installed pursuant to MMC 10.38.010. Any violation of this section, upon conviction, shall be punished by imprisonment for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount not more than \$1,000, or by both such imprisonment and fine. (Ord. 1311 § 4, 1996).

Chapter 10.42

TRUCK ROUTE

Sections:

- 10.42.010 Truck route.
- 10.42.020 Sign requirements.
- 10.42.030 Civil infraction – Penalty.
- 10.42.040 Exceptions.
- 10.42.050 Additional restriction authority.

10.42.010 Truck route.

The city council hereby designates Milton Way as the official through street for trucks passing through the city of Milton from its westerly terminus at 20th Street East to its easterly terminus at Meridian Street East (SR-161). A copy of said truck route is attached to the ordinance codified in this chapter as Exhibit A*. (Ord. 1424 § 1, 1999).

*This ordinance may be found on file at the city clerk's office.

10.42.020 Sign requirements.

The public works department may post restricted streets with a sign containing the following language:

NO THROUGH TRUCKS OR
VEHICLES ABOVE 10,000 LBS
(GVW) – VIOLATORS SUBJECT
TO FINE – ORDINANCE NO. 1424.

(Ord. 1424 § 2, 1999).

10.42.030 Civil infraction – Penalty.

Operators of vehicles in violation of MMC 10.42.010 or 10.42.050 shall be subject to issuance of a civil infraction citation by the police department pursuant to this section and RCW 46.61.050 and the "Infraction Rules for Courts of Limited Jurisdiction" (IRLJ), which infraction shall be a fine in the amount of \$35.00 for each violation. (Ord. 1424 § 3, 1999).

10.42.040 Exceptions.

The restrictions imposed pursuant to MMC 10.42.010 shall not apply to the following vehicles:

A. School buses, transit buses, or solid waste disposal or recycle vehicles on authorized routes within the city;

B. Trucks or other vehicles making deliveries or providing services to residential premises within a designated street section;

C. Trucks or other vehicles licensed to the owner/occupant of any residential premises within a designated street section;

D. Emergency vehicles. (Ord. 1424 § 4, 1999).

10.42.050 Additional restriction authority.

This chapter shall not restrict the authority of the public works director or designee to prohibit for a limited period of time the operation of trucks or other motor vehicles over a specified gross vehicle weight rating from use of designated city streets or sections thereof. Such temporary restrictions must be based upon a written determination that the restriction(s) are necessary to prevent any public highway, street or thoroughfare from being seriously damaged or destroyed unless the operation of vehicles thereon are prohibited or restricted or the permissible weights are reduced. (Ord. 1424 § 5, 1999).

truck signs

paper presented
by officer Hobbs at

Feb 27 2016

Plan. Com. Retreat

City of Puyallup

10.36.110 Extended parking and certain vehicles prohibited.

SHARE

It is unlawful to park upon the public streets of the city for more than 72 consecutive hours any vehicle or motor vehicle. In addition, no person shall park a vehicle on any street or alley, except in an industrial zone, as defined in the zoning code of the city at any time except while actually loading or unloading if the vehicle is a truck and/or trailer or other conveyance which is over 84 inches wide. For the purposes of this section, "vehicle" means and includes every device capable of being moved upon a public highway and in, upon or by which any persons or property is or may be transported or drawn upon a public highway, and the term "motor vehicle" means every vehicle which is self-propelled. (Ord. 2119 § 1, 1987; Ord. 2048 § 1, 1985; Ord. 1953 § 1, 1982)

City of Milton

~~all cars off street a night~~

10.24.030 Extended parking and certain vehicles prohibited.

SHARE

A. It is unlawful to park a qualified vehicle upon the rights-of-way of the city for more than 72 hours in any 80-hour period, even if the vehicle is moved from one portion of any right-of-way to another.

B. This section shall only apply to vehicles in which the registered owner and/or person responsible for parking has received actual notice of the parking requirements of this section. Actual notice shall include, but not be limited to, the following:

1. Actual receipt of a copy of this section or infraction for a prior violation of this section;
2. A mailed copy of this section to the address of the registered owner (provided, that three days have elapsed since mailing); or
3. Affixing a copy of this section to the windshield of the offending vehicle.

C. "Qualified vehicles," for purposes of this section, means a large vehicle, a recreational vehicle or a trailer. A large vehicle is a vehicle over 10,000 pounds in weight. A trailer includes a boat trailer, camping trailer, house trailer, utility trailer, or any other vehicle or conveyance designed to be connected to or drawn by a motor vehicle or dray animal. (Ord. 1683 § 1, 2006).

consider the time limit
consider changing "definition" of Qualified Veh.

10.36.110 Extended parking and certain vehicles prohibited.  SHARE  SHARE

It is unlawful to park upon the public streets of the city for more than 72 consecutive hours any vehicle or motor vehicle. In addition, no person shall park a vehicle on any street or alley, except in an industrial zone, as defined in the zoning code of the city at any time except while actually loading or unloading if the vehicle is a truck and/or trailer or other conveyance which is over 84 inches wide. For the purposes of this section, "vehicle" means and includes every device capable of being moved upon a public highway and in, upon or by which any persons or property is or may be transported or drawn upon a public highway, and the term "motor vehicle" means every vehicle which is self-propelled. (Ord. 2119 § 1, 1987; Ord. 2048 § 1, 1985; Ord. 1953 § 1, 1982).

10.36.120 Chain parking unlawful.  SHARE  SHARE

It shall be an infraction for any person to move and repark a vehicle parked on the street within two blocks of the original parkingspace in order to avoid a parking time limit regulation. It shall be an infraction for any person to move and repark a vehicle parked in a parking lot to another space within the same parking lot in order to avoid a parking time regulation. For the purposes of this section, a block shall be defined as a city street or alley section located between consecutive intersections. A violation of this section shall be an infraction punishable by a fine of \$50.00. In the event that the initial fine is not paid within 30 days of the date of issuance of the infraction, the fine shall increase to \$90.00. (Ord. 2700 § 1, 2001; Ord. 2281 § 1, 1991).

10.36.130 Expired or Improper license plates – Parking prohibited.  SHARE  SHARE

No person shall stop, stand or park any vehicle on any street or alley, or in any garage, parking area or other property owned by the city, without first having displayed current and proper vehicle license plates thereon as provided in Chapter [46.16](#) RCW. The vehicle license plates shall be attached conspicuously in the manner required by RCW [46.16.240](#). (Ord. 2700 § 2, 2001).

10.36.140 Stopping, standing and parking – Violations – Penalty.  SHARE  SHARE

Unless otherwise provided, a violation of any of the provisions of this chapter shall be an infraction punishable by a fine of \$35.00. In the event that a person fails to respond to a notice of a violation issued pursuant to this chapter or fails to pay a fine imposed pursuant to this chapter within 30 days of the date of issuance of the infraction or imposition of the fine, a \$25.00 penalty shall be added to the initial fine. (Ord. 3005 § 1, 2012; Ord. 2990 § 1, 2011; Ord. 2700 § 3, 2001).



Agenda Item #: 5.A.iii.

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., City Engineer/Interim Public Works Director
Date: August 24, 2016
Re: Commission Bylaws and Procedures

ATTACHMENTS: Planning Commission Bylaws
Bylaws Comparison Chart

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: This item was discussed at a previous Commission meeting. Modifications were proposed at that meeting and it was decided to continue the discussion at a future Commission meeting.

Commission members are encouraged to bring their marked-up version of the Bylaws from the previous meeting. Copies of these mark-ups will be available at the meeting.

CITY OF MILTON

BY-LAWS OF THE MILTON PLANNING COMMISSION

These rules and regulations, adopted by the Milton Planning Commission are pursuant to the authority of Chapter 2.56 of the Milton Municipal Code, that establishes a Planning Commission and prescribes its duties, authority, procedures and fixes the terms of office thereof, all pursuant to the authority conferred by all applicable RCW and WAC with specific emphasis on RCW 35.63.

ARTICLE I

Name

The official name shall be the Milton Planning Commission.

ARTICLE II

Objective

The object of the Planning Commission shall be to perform each and all of the duties specified in the Milton Municipal Code, (MMC), Chapter 2.56 and all applicable RCW and WAC with specific emphasis on RCW 35.63.

ARTICLE III

Members

- Section 1. The Planning Commission shall consist of the specified number of members as prescribed by Chapter 2.56 of the MMC, who shall be appointed by the Mayor and confirmed by the Council. Members shall serve without compensation.
- Section 2. The term of office of the said members shall be six (6) years. The terms of all of the appointed members shall be fixed and designated by the Mayor at the time of such appointment. Members terms shall be staggered to provide continuity.
- Section 3. Vacancies occurring otherwise than through the expiration of the terms shall be filled for the unexpired term.
- Section 4. Removal of members shall be as provided for in the Milton Municipal Code and the Commission may recommend to the Mayor and Council that any member be removed from the Commission and a new member be appointed by the Mayor if such member has missed more than three (3)

consecutive regular meetings without satisfactory reason to the Commission and the Council.

ARTICLE IV
Officers

- Section 1. The officers of the Commission shall consist of a Chairman, and Vice-Chairman and such other officers as from time to time the Commission may by a majority vote determine necessary, all of whom shall be members of the Commission.
- Section 2. Officers of the Commission shall be elected at the first regular meeting of the Commission held after the first day of December of each year or at subsequent meeting the date of which shall be fixed by the Commission at such regular meeting.
- Section 3. The officers shall hold office for one (1) year and until the newly elected officers take office. In case of any vacancy in office, the unexpired term of such officer shall be filled by an election at the first regular meeting after the occurrence of such vacancy.
- Section 4. The Chairman shall preside over the meetings of the Commission and exercise all the powers usually incident to the office, retaining, however, to himself as a member of the Commission, the full right to have his own vote recorded in all deliberations of the Commission. All Commission correspondence shall be signed in his/her name or on her/his behalf. She/He shall appoint and be ex-officio member of all the committees.
- Section 5. The Vice-Chairman shall, in the absence of the Chairman from any meeting, perform all the duties incumbent upon the Chairman. The Chairman and Vice-Chairman both being absent, the members present may elect for the meeting a temporary Chairman who shall have full powers of the Chairman during the absence of the chairman and the Vice-Chairman.
- Section 6. Neither the Commission, nor any committee or officer acting for it shall have the power to incur an indebtedness to be personally chargeable against the several individual members of the Commission, nor shall any obligation or liability assumed or chargeable against the Milton Planning Commission while the Commission or members are in the performance of their public duties hereunder, be chargeable against any individual member thereof.

ARTICLE V
Meetings

- Section 1. The official seat of the Commission shall be in Milton City Hall and meetings shall be held there at least once a month for nine (9) months except on such occasions and at such times as the Commission may by a majority vote otherwise direct. Special meetings may be called by the Chairman or Vice-Chairman or by the Chairman upon the request of three (3) members of the Commission.
- Section 2. The sessions of the Commission shall be open to the public, except as provided under the Open Meetings Act.
- Section 3. At any session at which the public is excluded the Commission cannot take any actions.
- Section 4. Notice by posting and otherwise as required by law of the time and place of every special meeting and every regular meeting set for a time and place different than ordinarily scheduled shall be given to the Commission members and the public at least 48 hours before the time of such meeting. No matter may be considered at any special meeting unless included in the notice calling such meeting.
- Section 5. A majority of the members of the Planning Commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present when those present constitute a quorum, at any regular or special meeting of the Planning Commission shall be deemed and taken as the action of the Commission.
- Section 6. Every official act taken by the Commission shall be by motion adopted by an affirmative vote of a majority of the quorum or members if more members are present than required for a quorum. In the event that a member fails to vote, this is to be registered as a negative vote. If a member recuses himself, no vote is recorded.

ARTICLE VI
Committees

The Commission shall have full power, from time to time, to create standing or temporary committees of one or not more than three members. These committees may be charged with such duties of examination, investigation and inquiry relative to some one or more subjects of interest of the Commission with the exception of subjects that are quasi judicial in nature, as it may be motion determined. No standing or temporary committee shall have the power to commit the Commission to the endorsements of any plan or progress without its submission to the body of the Commission.

ARTICLE VII
Parliamentary Authority

The rules of parliamentary practice, are set forth in Robert's Rules of Order Revised, shall govern all meeting of the Planning Commission except as otherwise herein provided.

ARTICLE VIII
Amendments

The By-Laws of the Planning Commission may be amended by a majority vote of the entire membership of the Commission at any regular meeting or special meeting provided that said amendment was introduced at the last previous regular meeting and further provided that such amendment shall not conflict with existing codes or State Law.

ARTICLE IX
Legality

If any portion of these by-laws are determined to be in conflict with State Law or Milton Municipal Codes and are declared invalid in consequence, such invalidity shall not in any manner affect the validity of any other portion of these by-laws.

Planning Commission By-Law Comparison

A	B	C	D	E	F	G	H	I
STATED HEADINGS	DESCRIPTIONS/INCLUSIONS	MIDCO/SEATTLE	SEATTLE NOTES	SHORELINE NOTES	BONNEY LAKE	BONNEY LAKE'S NOTES		
1 Name	Official name declaration.	X					X	
3 Mission/Objectives/Powers	Duties by Municiple Code	X	X	Purposes/Goals/Role			X	Obligation to Code, powers
4 Members	# Seats, appointed by Mayor	X	X		X			
5	Terms	X	X		X			
6	Vacancies	X	X					
7	Removal/Missed meetings	X						
8 Officers	Consists of Chair, Vice...	X	X		X		X	
9	Officer elections	X	X		X		X	
10	Terms	X					X	
11	Chair presides, correspondence	X						
12	indebtedness, liability	X						
13 Meetings	Meeting location, Qty per year	X	X	'Accessible' Regular (Vague)	X		X	Article II, Official Seat, Address, week, time, frequency
14	Open public sessions	X	X		X		X	
15	Conditional action: public presence	X						
16	Public notice	X			X		X	Uses Alice Sturges 4th Edition
17	Voting specified	X						
18	Special meetings: Purpose, who calls...	X	X		X		X	Who calls it
19 Committees	Committee formation & power	X	X	Extensive incl. Special	X			
20 Parliamentary Authority	Declaration of Rules (Roberts or other)	X	X		X		X	Includes sections: written communication Lists Alice Sturges 4th Edition
21								
22 Amendments	By majority vote, code compliance	X			X			
23 Legality	Code compliance or invalid consequence	X	X	Conflict of interest Disqualification				
24		X	X				X	Payroll specified
25 Compensation		X	X				X	Chair, Vice-Chair, Clerk, each specified
26 Duties & powers of officers		X	X		X		X	Notifying absence & attendance Req'd
27 Attendance & Quorums		X	X	Act as an entity/no proxy Reconsidering past votes				
28								
29 Voting	Requirements		X		X		X	
30	Ties				X		X	
31	Roll call voting						X	

Planing Commission By-Law Comparison

Comr. Roger Ripplinger
January 27, 2016

A	B	C	D	E	F	G	H	I
32	Votes on motions						X	
33	Appearance of fairness						X	
34	Failure to vote on a motion						X	
35	Explanation of vote on a motion						X	
36	consensus votes						X	
37	Reconsideration						X	
38	Tabling issues						X	
39	Agendas & Order of business		X	Advance notice			X	
40	Order of business				X		X	Lets sample
41	Adjournment/Recess/Cont.				X			Consensus votes
42	Public comments							
43	Public hearing						X	Speaker sign-in
44	Presentation of topic						X	Lets Alice Sturgis 4th Edition
45	Public testimony	X					X	Lets Alice Sturgis 4th Edition
46	Commissioner questions						X	Lets Alice Sturgis 4th Edition
47	Closing the public hearing						X	Lets Alice Sturgis 4th Edition
48	Commission action						X	Lets Alice Sturgis 4th Edition
49	Knowledge of Planning Docs						X	Lets Alice Sturgis 4th Edition
50	Members				X			
51	How to resign				X			
52	Code of Ethics				X			
53	Work/Programs/Priorities/Agendas		X					
54	Mayor's Policy Planning Agenda		X					
55	City Dept. Work Program		X					
56	Annual Retreat		X					
57	Full Commission Actions		X					
58	Committee Actions		X					
59	Individual Commission Members' Actions		X					
60	City staff directs Commission		X					
61	Commission appoints Exec. Dir.		X					
62	Exec. Director duties		X					
63	Decisions in writing		X					
64	Books and records		X					
64	Minutes		X					

Planning Commission By-Law Comparison

	A	B	C	D	E	F	G	H	I
65		Copies for the public	X		Written in 2596				
66									
67	NOTES								
68	Commissioner Whalen noted:	We need a policy regarding electronic devices at meetings							
69		In light of this, I would request the temporary use of my laptop at the meeting to better explain in my imbedded notes which would							
70		not translate well in print for the meeting. This presents as a lively discussion for our policy-making.							



Agenda Item #: 6.A.i.

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., City Engineer/Interim Public Works Director
Date: August 24, 2016
Re: Commission Orientation Packet

ATTACHMENTS: Draft Orientation Packet Table of Contents

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: With the Commission welcoming several new members with a vacancy still pending, there has been discussion about preparing an orientation packet to help new members, and existing members, better understand their roles on the Commission and help them better understand the City of Milton and the City's processes.

Attached to this agenda bill is an outline of the orientation packet.

The goal of tonight's meeting is to discuss the packet and make any revisions to the contents that are deemed necessary.

CITY OF MILTON
PLANNING COMMISSION

ORIENTATION PACKET
Table of Contents

1. Welcome Letter
2. Responsibilities of Commission Members
3. Bylaws of the Milton Planning Commission
4. Section 2.56 of Milton Municipal Code and RCW 35A.63
5. Open Public Meetings Act Information
6. Robert's Rules of Order Information
7. Planning Commission Calendar
8. List of Board and City Contact Information
9. Typical Meeting Agenda
10. History of Commission Members
11. Title 16 of Milton Municipal Code – *Subdivisions*
12. Title 17 of Milton Municipal Code – *Zoning*
13. Link to Entire Milton Municipal Code
14. Milton Comprehensive Plan
15. Uptown Design Standards
16. City of Milton Visioning Report
17. Miscellaneous City Maps



Agenda Item #: 6.A.ii

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., City Engineer/Interim Public Works Director
Date: August 24, 2016
Re: Milton Days Recap

ATTACHMENTS: None

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: Milton Days, the City of Milton's annual festival, will be held on Friday and Saturday August 19th and 20th, prior to this Planning Commission meeting.

The purpose of this item is for the Commission to discuss the festival and whether to make recommendations to the Milton Days event committee regarding changes/improvements that would make the event more successful.



Agenda Item #: 6.A.iii

To: Mayor Perry and Planning Commission Members
From: Mark Howlett, P.E., City Engineer/Interim Public Works Director
Date: August 24, 2016
Re: Impact Fees

ATTACHMENTS: Table Comparing Milton's Impact Fees with Other Jurisdictions

TYPE OF ACTION:

Information Discussion Action Public Hearing Expenditure

Issue: Recently the City of Milton revised its code to reflect updated fees for School and Transportation Impact Fees. These fee changes were adopted by City Council at their August 8, 2016 meeting.

The Transportation Impact fee amount was increased, in accordance with City Code, to reflect the change in the *Engineering News Record's Construction Cost Index*. This increased the fee on each Peak P.M. Trip from \$3,941 to \$3,980.

The School Impact Fees were modified from \$2,640 to \$3,216 for Single-Family Residents and from \$5,664 to \$1,755 for Multi-Family/Duplex Residential Units.

The Council also adopted an Impact Fee Deferral process as required by state law. This allows, with some restrictions, developers to defer the payment of impact fees to the time of final inspection.

At the September 6, 2016 City Council meeting they will consider the implementation of a Parks Impact Fee.

This item is brought before the Commission for information only.

COMPARISON OF OTHER CITIES FOR TOTAL IMPACT FEES

	Tukwila	Enumclaw	Sumner	Buckley	Orting	Algona	Milton (Current)	Federal Way	Gig Harbor	Edgewood	Bonney Lake	Puyallup	Covington	Kent	Fife	Maple Valley
Transportation Impact Fee (Per Peak P.M. Trip)	\$1,660	\$2,937	\$1,165	\$4,153	\$2,149	\$0	\$3,980	\$3,718	\$2,124	\$1,845	\$3,056	\$4,500	\$4,461	\$3,974	\$6,478	\$4,113
School Impact Fee Per Residential Unit	\$0	\$0	\$3,275	\$0	\$3,215	\$5,330	\$3,216	\$2,899	\$3,343	\$3,216	\$3,300	\$3,005	\$5,486	\$4,990	\$5,216	\$7,818
Parks Impact Fee Per Residential Unit	\$1,426	\$1,209	\$0	\$1,624	\$830	\$1,000	\$0	\$0	\$1,500	\$2,940	\$2,974	\$2,300	\$0	\$0	\$1,700	\$2,754
Fire Impact Fee Per Residential Unit	\$922	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,741	\$0	\$1,593
Total Impact Fees	\$4,008	\$4,146	\$4,440	\$5,777	\$6,194	\$6,330	\$7,196	\$6,617	\$6,967	\$8,001	\$9,330	\$9,805	\$9,947	\$10,705	\$11,394	\$16,278