



**PLANNING COMMISSION MEETING AGENDA**  
Council Chambers, 1000 Laurel Street

**March 14, 2018**  
**Wednesday**

**Regular Meeting**  
**6:00 p.m.**

- 1. Call to Order and Flag Salute**
- 2. Roll Call**
- 3. Staff Updates**
- 4. Additions/Deletions to Agenda**
- 5. Citizen Participation**
- 6. Approval of Minutes**
  - A. January 10, 2018 Regular Meeting
- 7. Regular Agenda**
  - A. Work Plan approved by Council – Discussion and Prioritization
  - B. Potential Annexation of Hill Creek Development
  - C. Vacant Building Regulations
  - D. Parking Code Revisions – Introduction/Overview
- 8. Commissioner Reports**
- 9. Adjournment**

Council may add and take action on other items not listed on this agenda.  
If you need ADA accommodations, please contact City Hall at (253) 517-2705 prior to the meeting.  
Thank you.



Regular Meeting  
 Wednesday, January 10, 2018  
 6:00 p.m.

**1. CALL TO ORDER and Flag Salute**

Chair Gillespie called the meeting to order at 6:00 p.m., and led the flag salute.

**2. ROLL CALL**

Present: Chair Gillespie, Vice Chair Balsley, Commissioners Whalen, LaVergne, Sweat, White, and Hatch

Staff Present: City Engineer Howlett, City Attorney Cameron, City Clerk Bolam

**3. STAFF UPDATES**

Chair Gillespie shared that Staff Updates have been moved to the front of the agenda.

City Engineer Howlett referred to two map handouts, sharing about the status of current developments in the City. He further shared announcements from the City Council meeting this week.

**4. ADDITIONS, DELETIONS, CORRECTIONS TO THE MEETING'S AGENDA**

None.

**5. CITIZEN COMMENT PERIOD**

Speaker	Comments
Kathy Gillespie	<p>Been attending many council and police foundation meetings, and the city is in need of revenue – it's been suggested to concentrate efforts on the Hwy 99 corridor – good, but attended a bus tour of Fife thru the chamber, and saw many high crime areas and homeless encampment areas – according to the Police Chief who led the tour, crime tends to disperse – because there aren't a lot of businesses in the Milton Hwy 99 area, it can be expected that crime and homeless issues will increase, as well as traffic issues</p> <p>Chair Gillespie and Vice Chair Balsley added information from this tour, further explaining the concerns of the area, and the chamber's interest in finding positive solutions</p>

## 6. APPROVAL OF MINUTES

### A. December 13, 2017

Page 2 of 3, the nomination for Chair was for Commissioner LaVergne.

**MOTION TO APPROVE as corrected (Balsley/Whalen)– Passed 7/0.**

## 7. REGULAR AGENDA

### A. Discussion of Joint Commission/Mayor Meeting in February

Chair Gillespie explained that he invited the Mayor to stop in on the February meeting to introduce herself and her objectives for the Planning Commission.

Commissioner Balsley suggested another mini-retreat to get refocused, perhaps to include a city tour. Discussion included meeting before vs. waiting until after hearing from the Mayor first, so her goals can be incorporated into retreat discussion. Past retreat positives included learning more about the issues around the city, getting to know city staff better, and improving education to function better as a board. Chair Gillespie shared that there are things coming up that will empower the Planning Commission more, so hearing from the Mayor prior to a retreat would be most beneficial.

Discussion for a date ensued, ultimately landing on Saturday, February 24 beginning at noon in Council Chambers, with lunch provided by commissioners.

Chair Gillespie encouraged Commissioners to send to the City Clerk any questions they'd specifically like the Mayor to cover. Some concepts included:

- Process/protocol of things – how does she envision seeing the PC communicate well with staff and council?
- Future of planning department – given tight budget – what's staffing going to look like?
- "On-boarding" procedure of new commissioners, including a Public Works ride-along – make sure that any new appointees have attended x-number of PC meetings prior to appointment

### B. Discussion of Joint Commission/City Council Meeting

Chair Gillespie is suggesting to hold a joint meeting with Council at least annually on a Saturday to get to know each other better, to understand the full process of the recommendations that the Commission sends to Council, and to take a City tour with them.

Discussion regarding what the Commission would like this to accomplish:

- What does Council want to see next? Is there a budget for it?
- Expectations of the Planning Commission?
- Get back in tune with the mission of the Commission and how it fits with the City.
- Potential bus ride with council around town – maybe sit down and meet with them first, even if it's the same day.

### C. Discussion/Training in Zoning and Land Use Maps

Chair Gillespie and Engineer Howlett shared some ideas for education opportunities on zoning and maps, and the process of development from concept to open for business. Mr. Howlett provided some map and chart handouts – some discussion ensued.

## **COMMISSIONER REPORTS**

### Commissioner Sweat

- Police Foundation annual dinner coming in February

### Commissioner LaVergne

- Referred to Alder Ridge fire and resulting volunteer efforts

### Commissioner Hatch

- Impressed again by the City's outreach during time of need

### Commissioner Whalen

- Appreciated Mr. Howlett's presentation materials and explanations of what is happening around the City
- Nice to see outpouring of City efforts on behalf of Alder Ridge fire – excess went to the school district's resource center

### Commissioner Balsley

- Resources related to the fire were so well organized – the full-scale effort underscores why we choose to live in Milton
- Held bus tour with Fife police chief
- Recent meet-and-greet with the Event Committee resulted in several new faces

### Commissioner White

- Referred to slideshow presentation of fire that was given at Council, and asked if there is a place that a person can sign up to be contacted to help in situations like this

### Chair Gillespie

- Shout out to Commissioner Whalen for her consistent help and involvement in the community
- Wed, March 21, there is a Short Course of Local Planning in Fife

## **NEXT MEETING**

Regular Meeting – February 14, 2018 – 6 pm *(Clerk's note – February meeting was cancelled)*

## **ADJOURNMENT**

The meeting was adjourned at 7:45 p.m.

Approved at the meeting of \_\_\_\_\_, 20\_\_\_\_\_.

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Chair Jim Gillespie



## 2018 Planning Commission Work Plan

Item	Description
Vacant Building Regulations	Consider possible land use regulations that would incentivize a lower vacancy rate in commercial buildings.
Allowance for Cottage Housing	Research the feasibility of Cottage Housing in Milton – consider potential locations and what regulations would be optimum.
Accessory Dwelling Units (ADUs) – Updating Standards	Consider if the City’s existing ADU standards are sufficient for Milton’s current needs.
Parking Code Update	Some sections of the City’s Parking Code date back from 2006 to 1999 – consider if the full code reflects Milton’s current needs.
Sidewalk Prioritization Plan	To afford the cost of improving existing and adding new sidewalks, the City is dependent on highly competitive and relatively modest federal and state grants. To be eligible to apply for these grants, a Sidewalk Plan needs to be in place.

- 2) If the Resolution is approved by the Council, City staff would proceed with providing proper notice of the Public Hearing as described in RCW 35A.14.295
- 3) Public Hearing before the City Council
- 4) Notice of intent to annex submitted to the King County Boundary Review Board
- 5) If proposed annexation is approved by the King County Boundary Review Board, a first reading of proposed Ordinance will be held at City Council.
- 6) Second reading and adoption of the proposed Ordinance by City Council.
- 7) If the Ordinance is approved by the Council, then written notice is provided to property owners within the annexation area
- 8) If a sufficient Referendum Petition is received, then the issues of the potential annexation would be placed on the ballot of the next general election, if one is to be held within 90 days, or at a special election called not less than 45 days nor more than 90 days after the filing of the Referendum Petition. The issue would then be decided by a simple majority vote
- 9) If clearance is received by the King County Boundary Review Board and if no sufficient referendum petition is filed within 45 days from the passage of the annexation Ordinance, then the annexation will be effective on the date fixed in the Ordinance.

City staff is evaluating the cost of this annexation and, when this data compilation has been completed, staff will return to Council at a future meeting with an Agenda Bill that includes a proposed Resolution to set a Public Hearing date as stipulated in RCW 35A.14.295.



## 7.7 Annexation of Unincorporated Islands

### Code Cities

The annexation statutes provide for an abbreviated procedure to annex unincorporated islands or pockets of property within a city. When there is an unincorporated area (1) containing less than 175 acres with all of the boundaries of the area contiguous to a code city, or (2) of any size containing residential property owners and having at least 80 percent of the boundaries contiguous to a code city if the area is within the same county and urban growth area designated under RCW 36.70A.110, and the city is required to plan under the Growth Management Act, the city council may initiate annexation proceedings by resolution. However, annexation by this method is potentially subject to a referendum election within the unincorporated territory.

### A. Contents of Resolution (RCW 35A.14.295)

A resolution for annexation of an unincorporated island must:

1. Describe the boundaries of the area to be annexed;
2. State the number of voters residing in the area as nearly as possible; and
3. Set a date for a public hearing on the resolution.

### B. Notice of Hearing (RCW 35A.14.295)

Notice of the hearing on the annexation resolution is to be given by publication of the resolution at least once a week for two weeks prior to the date of the hearing, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the area to be annexed. However, it is likely that one newspaper would be generally circulated both within the city and in the area proposed for annexation.

### C. Hearing (RCW 35A.14.297)

Residents and property owners of the area described in the resolution are to be afforded an opportunity to be heard.

### D. Adoption of Annexation Ordinance (RCW 35A.14.297)

After the hearing, the city council may by ordinance annex the territory described in the resolution, although it may be necessary to first obtain review board approval, as discussed below. The ordinance may also provide for the adoption of a proposed zoning regulation or for the assumption of indebtedness by the area to be annexed. The effective date of the annexation ordinance may not be less than 45 days after passage, to allow for the referendum period discussed below.

### E. Notice of Annexation (RCW 35A.14.297)

Notice of the proposed effective date of annexation, including a description of the property to be annexed, is to be published at least once a week for two weeks after the passage of the ordinance in one or more newspapers of general circulation within the city and within the area to be annexed. If the annexation ordinance provides for adoption of a proposed zoning regulation or for the assumption of indebtedness, the notice must include a statement of these requirements.

### F. Review

#### 1. Boundary Review Board

Notice of intent to annex must also be filed with the boundary review board, if one has been

established in the county. Since procedures can vary among counties, it is advisable to contact the appropriate review board for specific procedures. (See Section 8.2.) Boundary review board clearance is necessary before the annexation may be effective.

2. County Annexation Review Board for Code Cities

Review by the county annexation review board for code cities is not necessary in counties without a boundary review board. RCW 35A.14.220.

### G. Referendum (RCW 35A.14.297, RCW 35A.14.299)

The annexation ordinance is subject to potential referendum for 45 days after passage. To initiate a referendum on the annexation, a referendum petition must be signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed. If a timely and sufficient referendum petition is filed with the city council, the question of annexation is to be submitted to the voters.

### H. Election

1. Date of Election (RCW 35A.14.299, RCW 29A.04.330)

The date is to be at the next general election, if one is to be held within 90 days, or at a special election called not less than 45 days nor more than 90 days after the filing of the petition. See Section 7.1 H for special election dates.

2. Conduct of Election (RCW 35A.29.151)

The election is to be held in compliance with general election law.

3. Notice of Election (RCW 35A.14.299, RCW 35A.14.070)

a. The notice must be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed, and

b. Published at least once a week for two weeks prior to the election in one or more newspapers of general circulation within the area proposed to be annexed. One publication must also be not more than ten nor less than three days prior to the election.

c. The notice of election must:

i. Describe the boundaries of the area proposed to be annexed,

ii. State the purpose of the election as stated in the resolution,

iii. Require voters to cast ballots containing the words equivalent to:

*For annexation* \_

*Against annexation* \_

or

*For annexation and adoption of proposed zoning regulation* \_

*Against annexation and adoption of proposed zoning regulation* \_

If assumption of indebtedness is proposed, the notice and ballot shall contain a separate

proposition:

*For assumption of indebtedness* \_

*Against assumption of indebtedness* \_

iv. Also contain the ballot title of measures to be voted upon at the election, the day and hours during which the polls will be open, and the address of each polling place in each precinct. RCW 35A.29.140.

#### **I. Approval of Annexation (RCW 35A.14.297, RCW 35A.14.299)**

If clearance is received from the boundary review board (if any), and if no sufficient referendum petition is filed within 45 days from of passage of the annexation ordinance (excluding the date of passage), the annexation will be effective upon the date fixed in the ordinance. If a sufficient petition is filed and an election held, the annexation will be decided by majority vote.

#### **J. Notice of Annexation**

For information on the notice that should be given, see discussion in Section 7.1 M. See also, RCW 35A.14.700.



## Agenda Item

**To:** Chair Gillespie and Planning Commission Members  
**From:** Mark Howlett, P.E., Public Works Director/City Engineer  
**Date:** March 14, 2018  
**Re:** **Vacant Building Regulations**

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**ATTACHMENTS:** None

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**TYPE OF ACTION:**

Information Only  Discussion  Action  Public Hearing  Expenditure

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**Issue:** The City of Milton has several buildings that have sat vacant for an extended period of time. These vacant building project a negative image for the City and deny the City potential sales tax revenue.

**Discussion:** One of the items that the City Council identified for the Planning Commission's 2018 Work was for them to *"Consider possible land use regulations that would incentivize a lower vacancy rate in commercial buildings."*

The purpose of this discussion is to begin investigating options for potential code revisions that could help the City address this issue.



## Agenda Item

**To:** Chair Gillespie and Planning Commission Members  
**From:** Mark Howlett, P.E., Public Works Director/City Engineer  
**Date:** March 14, 2018  
**Re:** **Parking Code Revisions**

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**ATTACHMENTS:** Title 10 of the Milton Municipal Code – Vehicles and Traffic

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**TYPE OF ACTION:**

Information Only  Discussion  Action  Public Hearing  Expenditure

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**Issue:** The City of Milton continues to experience challenges with the parking of vehicles in the City and how the current city code may not reflect the goals and aspirations of the City Council.

**Discussion:** One of the items that the City Council identified for the Planning Commission's 2018 Work was an update to the parking code. Specifically, the work plan states *"Some sections of the City Code date back from 2006 to 1999 – consider if the full code reflects Milton's current needs."*

The purpose of this discussion is to begin investigating options for potential code revisions that could help the City address this issue.

## **Title 10**

### **VEHICLES AND TRAFFIC**

#### **Chapters:**

- 10.04 Traffic Code**
- 10.08 Speed Limits**
- 10.12 Bicycles**
- 10.16 Street Closures**
- 10.18 Inattentive Driving – Unlawful**
- 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 CODE<sup>1</sup>

## 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 10.18**

**INATTENTIVE DRIVING – UNLAWFUL**

**Sections:**

**10.18.010 Inattentive driving.**

**10.18.010 Inattentive driving.**

A. It is unlawful for any person to operate a motor vehicle in an inattentive manner over any public rights-of-way of the city.

B. For purposes of this section, the phrase “inattentive driving” shall be given its common meaning, to include, without limitation, the operation of a vehicle upon the public rights-of-way of the city in a manner that can be described as showing no interest; careless; negligent; thoughtless; unmindful; unobservant; heedless; absentminded; distracted; unaware; lax; or slack.

C. The offense of operating a vehicle in an inattentive manner shall be considered to be a lesser offense than, but included in the offense of, operating a vehicle in a negligent manner under RCW 46.61.525, and any person charged pursuant to RCW 46.61.525 may be found to have committed the lesser offense of operating a vehicle in an inattentive manner.

D. A violation of this section shall be a traffic infraction punishable by a monetary penalty of \$250.00, not including statutory costs and assessments. (Ord. 1897 § 1, 2016).

**Milton Municipal Code**

**Chapter 10.20**

**JUNK VEHICLES AS PUBLIC  
NUISANCES**

(Repealed by Ord. 1503)

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**Chapter 10.21****JUNK VEHICLES –  
VEHICLE STORAGE<sup>1</sup>****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).

<sup>1</sup> 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).

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).