

Before the Board of Garfield County Commissioners

Resolution No. _____

A RESOLUTION ESTABLISHING THE “PATAHA PARKING ORDINANCE”

Whereas, Garfield County has increasing concerns over a growing conflict involving private vehicles being parked on county right-of-way in front of residents on the residential streets and roads located in the unincorporated platted city known as Pataha; and,

Whereas, pursuant to RCW 46.61.570, “Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution”; and,

Whereas, pursuant to RCW 46.55.240(1), “a city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter”; and,

Whereas, pursuant to RCW 46.55.240(1)(a), “a city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property”; and,

Whereas, pursuant to RCW 46.55.240(1)(b), “a city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound”; and,

Whereas, pursuant to RCW 46.55.240(1)(c), “a city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date”; and,

WHEREAS, the County has provided public notice and opportunity for public comment and held a public hearing on this ordinance on February 21, 2017.

NOW, THEREFORE, BE IT HEREBY RESOLVED that Garfield County hereby adopts the applicable provisions of RCW 46.55 concerning unauthorized, abandoned, or impounded vehicles; and

BE IT FURTHER RESOLVED THAT the Board of Commissioners of GARFIELD COUNTY does hereby ORDAIN to adopt the Garfield County Pataha Parking Ordinance, which is attached hereto and adopted by reference as if fully set forth herein.

ADOPTED this ____ day of June, 2017.

Chair

Member

Member

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Attorney

EXHIBIT A

GARFIELD COUNTY PATAHA PARKING ORDINANCE

The Pataha Parking Ordinance applies to those residential streets located in the unincorporated platted city known as Pataha, more specifically those streets and roads listed in Appendix A attached hereto.

Unauthorized use of County Road right-of-way is prohibited by private individuals for any reason if it is determined by the Sheriff and/or County Engineer to be unsafe, a public nuisance, prohibited by law, prohibited by resolution or ordinance or otherwise determined not to be in the best interest of Garfield County.

It is unlawful for any person, business, firm or corporation to park or cause to be parked on county right-of-way any semi-trailer or truck in excess of one-ton capacity, any agricultural equipment or any non-motorized equipment for more than 48 hours. If it is determined to be unsafe for the public, it shall be moved immediately.

Except as prohibited by this ordinance, residents are allowed to regulate parking and/or any other use of public right-of-way located in front of and abutting their respective private residences and/or property in so far as it does not conflict with any other law, resolution, ordinance or desires of the county.

Unauthorized vehicles located in the right-of-way, may be impounded by law enforcement in accordance with RCW 46.55 and as per this ordinance. Unauthorized vehicles are required to be removed within the time frame as noted on the sticker attached by law enforcement.

The County Sheriff may cause for any vehicle or other objects located within county right-of-way to be impounded by county personnel, including but not limited to the Public Works Department or Sheriff's Department.

Garfield County has established, pursuant to RCW 46.55, a written form of authorization to impound, which is attached hereto as Appendix B.

This ordinance in no way diminishes the right of the County to regulate the use of County right-of-way, nor may this ordinance conflict with any other state law, rule or regulation.

The County reserves the right to amend any part of this ordinance from time-to-time if the Board of Commissioners determine it is in best interest of the County to do so.

This ordinance shall be in full force and effect upon adoption.

APPENDIX A

PATAHA PARKING ORDINANCE – STREETS AND ROADS

The Pataha Parking Ordinance applies to the following list of streets and roads:

1. Spring Street/ Hutchins Hill Road from US 12 to End of Pavement
2. Montgomery Street from Spring Street to End
3. Fetis Street from US 12 to Pataha St.
4. Grove Street from US 12 to Pataha St.
5. Birch Street from US 12 to Montgomery St.
6. Pataha Street from Fetus St. to Grove St.
7. Gun Club Road
8. Bingman Road