

Chapter 10.08SPEED LIMITSections:

- 10.08.010 Purpose.
- 10.08.020 Maximum speed limit.
- 10.08.030 Approval of the State direction of highways.
- 10.08.040 Posting of signs.

10.08.010 Purpose. Because of continuing annexations to the city of Kettle Falls, the City Council reaffirms its belief that thirty-five (35) miles per hour should be the maximum speed on Third Avenue, (Highway 395) within the city limits. Third Avenue is located near the north city limits; running generally east and west, on or near the north section line of Sections 19 and 20, Township 36 North, Range 38 E.W.M.

10.08.020 Maximum speed limit. The City Council established thirty-five (35) miles per hour as the maximum speed limit on Third Avenue, Highway 395, within the city limits of the city of Kettle Falls.

10.08.030 Approval by State Department of Transportation. The City Clerk is authorized and directed, upon passage of this ordinance, to send a copy to the State Department of Transportation requesting approval of this extended thirty-five (35) miles per hour speed zone.

10.08.040 Signing. Upon approval by the State Department of Transportation of this ordinance, the City Council requests that signing by the State Department of Transportation be accomplished on Third Avenue (Highway 395), at the west city limits particularly, as soon as possible. (Ord. 1419, 1985).

Chapter 10.10BICYCLES, SKATEBOARDS, HORSES AND ROLLER BLADESSections:

- 10.10.010 Purpose.
- 10.10.020 Definitions of Business District.
- 10.10.030 Riding on Sidewalks Prohibited in Business Districts.
- 10.10.040 Parent Responsibility.
- 10.10.050 Violation - Penalty.
- 10.10.060 Notice of Infraction - Contents.
- 10.10.070 Notice of Infraction - Response Required - Contested Determination - Hearing.
- 10.10.080 Hearing to Contest Determination of Infraction - Procedure
- 10.10.090 Payment of Penalty.
- 10.10.100 Severability.
- 10.10.110 Nonliability of City.

10.10.010 Purpose. The purpose of this chapter is to regulate the operation of horses, bicycles, skateboards, roller blades, roller skates, and foot-powered scooters, and like devices within the city of Kettle Falls.

10.10.020 Definitions of Business District. For the purpose of this chapter the business district is defined as Meyers Street from Highway 395 to Ninth Avenue, including the intersecting streets, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Avenues, plus one block east and one block west of Meyers Street, inclusive.

10.10.030 Riding on Sidewalks Prohibited in Business Districts. No person shall ride or lead a horse, or ride a bicycle, or operate or ride a skateboard or motorcycle or roller blades or roller skates or foot-powered scooters over and along public sidewalks within the above-defined business district.

These regulations shall not apply to wheelchairs and other human-powered devices necessary to a person to be ambulatory. These regulations shall also not apply to any child who is riding a bicycle with training wheels attached in addition to regular wheels provided that the child is accompanied by a parent or guardian.

10.10.040 Parent Responsibility.

(a) It is a civil infraction for any parent, guardian or other person having control of a minor child to allow said minor to operate a skateboard or bicycle or roller blades or roller skates or foot-powered scooters or to ride or lead a horse in violation of this chapter.

(b) Should any person be found to have violated the provisions of this chapter, the parent, guardian or other person having control of said juvenile shall have committed a civil infraction and any person, parent, guardian or other person having control of said juvenile shall be assessed a monetary penalty as set forth hereunder.

10.10.050 Violation - Penalty. Any person violating any provisions of this chapter shall incur a civil penalty. The penalty for the first violation shall be \$75.00. The penalty shall not be suspended or deferred. The penalty for a second violation of this chapter shall be \$150.00. The penalty for the third violation of this same section of this chapter shall be \$300.00. The penalties for the third violations above the amount of \$75.00 may be reduced, suspended or deferred in the discretion of the court. Up to the amount of the \$75.00 violation, there shall be no reduction, whether the offense is the first offense, second offense, third offense or subsequent offenses thereafter. For each violation of a continuing nature, each day shall constitute a separate offense. A notice of infraction may be issued by the Chief of Police or his appointed officers or by a specially commissioned police officer.

In lieu of or in addition to said civil penalty, the police department or members thereof may impound and retain possession of said bicycle, skateboard, roller blades or roller skates or foot-powered scooters operated in violation of the provisions of this chapter and retain possession of the same until the person or parent or guardian, in the case of a juvenile, shall appear to claim said bicycle or skateboard or roller blades or roller skates or foot-powered scooters. The bicycle or skateboard or motorcycle or roller blades or foot-powered scooters will be returned if an impound fee is paid as follows:

First offense.....	\$10.00
Second offense.....	\$25.00
Third and subsequent offenses.....	\$50.00

10.10.060. Notice of Infraction - Contents.

(1) A notice of infraction represents a determination that violation has been committed. The determination will be final unless contested as provided in this chapter.

(2) A Washington Uniform Court Docket Citation may be used as the form for the notice in infraction, and shall include the following:

(a) A statement that the notice represents a determination that an infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that an infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that, at any hearing to contest the determination, the City has the burden of proving by a preponderance of the evidence that an infraction was committed, and that the person may subpoena witnesses, including the officer who issued the notice of infractions;

(g) A statement that at any hearing requested for the purpose of examining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this Chapter;

(i) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

10.10.070. Notice of Infraction-Response Required-Contested-Determination-Hearing.

(1) Any person who receives a notice of infraction under this Chapter shall respond to such notice as provided in this Section within seven (7) calendar days of the date of this notice.

(2) If the person determined to have committed the infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. Payment in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.

(3) If the person determined to have committed the infraction wishes to contest the determination, the person shall respond by completing the portion of the notice of infraction requesting the hearing and submitting it either by mail or in person to the court specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing, and that date shall not be sooner than seven (7) days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place and date of the hearing.

(5) If any person issued a notice of infraction fails to respond to the notice of infraction as provided in subsection (2) of this subsection, or fails to appear at a hearing requested pursuant to subsection (3) or (4) of this subsection, the court shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and any other penalty authorized by this Chapter.

10.10.080 Hearing to Contest Determination of Infraction-Procedure.

(1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without jury.

(2) Any person subject to proceeding under this Chapter may be represented by counsel.

(3) The attorney representing the City may appear in any proceeding under this Chapter but need not appear, notwithstanding any rule of court to the contrary.

(4) The officer who issued the notice must appear at such hearing, and may subpoena witnesses. The person named in the notice may subpoena witnesses, including the officer, and also has the right to present evidence and examine witnesses present in court.

(5) The burden of proof is upon the City to establish a commission of the infraction by preponderance of the evidence.

(6) After consideration of the evidence and argument, the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed, an appropriate order shall be entered in the court's records.

(7) An appeal from the court's determination or order shall be to the Stevens County Superior Court. Such appeal shall be taken in accordance with the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the Stevens County Superior Court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.

10.10.090 Payment of Penalty. Whenever a monetary penalty is imposed by a court under this Chapter, it is due immediately and to be made payable to the clerk of court. If a person is unable to pay at that time, the court may, in its discretion, grant an extension of the period in which the penalty may be paid. All penalties collected by the court shall be remitted to the City Clerk/Treasurer.

10.10.100 Severability. The provisions of this chapter are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of the Chapter shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

10.10.110 Nonliability of City. This ordinance is intended to be a law of general application for the public at large; it is not intended to impose liability on the part of the city or its employees running to individual members of the public nor is this section intended to infer that any other city ordinances that do not have this nonliability of city ordinance section are intended to impose liability on the part of the city or its employees running to individual members of the public either (Ord. 1464, 1998; Ord. 1579, 1998).

Chapter 10.88

SNOWMOBILES/OFF ROAD VEHICLES

Sections:

10.88.010	Purpose.
10.88.020	Definitions.
10.88.030	Locus of operation.
10.88.040	Hours of operation.
10.88.050	Licenses required.
10.88.060	Vehicle equipment--required.
10.88.070	Operating restrictions.
10.88.080	Registration requirements.
10.88.090	Validity.
10.88.100	Violation--Penalty.

10.88.010 Purpose. The purpose of this chapter is to regulate in a reasonable manner the operation of snowmobiles and off road vehicles within the city limits and to provide the circumstances when and conditions and where snowmobiles and Off Road Vehicles may be legally operated upon the public roadways of the city.

10.88.020 Definitions. A. The term "snowmobile" shall mean any self propelled vehicle capable of traveling over snow and ice, which utilizes as a means of propulsion an endless belt, tread of cleats or any combination of these, or other similar means of contact with the surface upon which it is operated, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the State of Washington.

B. The term "off road vehicle (ORV)" means any non-highway vehicle when used for cross country travel on trails or on any of the following or combination thereof: land, water, snow, ice, marsh, swamp or other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, dune buggies and golf carts.