

TITLE 46 MOTOR VEHICLES

**TITLE 46 MOTOR VEHICLES**

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Chapter 46 - TRAFFIC CODE

**Chapter 46 TRAFFIC CODE**

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**46.01.010 WAHAKIACUM COUNTY TRAFFIC CODE ADOPTED.**

The following provisions designated as Title 46.R.C.W.C., to be known as the Wahkiakum County Traffic Code, are adopted.

**46.04.010 DEFINITIONS—SCOPE AND CONSTRUCTION OF TERMS.**

Words and phrases, when used in this Ordinance, shall have the meanings ordinarily ascribed to them in common usage, those definitions found in RCW Chapter 46.04 duly filed as provided in RCW 36.32.120(7), said definitions by this reference are incorporated herein and become a part hereof as if set out in full, PROVIDED, that in any such statute adopted by reference wherein the term "state" is used, such term shall be construed to mean "county", and the meanings ascribed to them in this Section, except where the context clearly indicated the contrary.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine and neuter genders shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

The provisions of this ordinance shall be construed in pari materia with the provisions of RCW Title 46, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively.

**46.08.030 UNIFORMITY OF APPLICATION.**

The provisions of this Ordinance relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public roads of this county, except as otherwise specifically provided.

**46.08.190 JURISDICTION OF DISTRICT COURT JUDGES.**

Every District Court Judge shall have concurrent jurisdiction with superior court judges of the county for all violations of the provisions of this "Traffic Code" and may impose any punishment provided therefor.

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**46.12.010 CERTIFICATES REQUIRED TO OPERATE AND SELL VEHICLES.**

It is unlawful for any person to operate any vehicle in this county under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor and it is further unlawful for any person to sell or transfer any vehicle without complying with all provisions of RCW Chapter 46.12 relating to certificates of ownership and license registration of vehicle.

**46.16.010 LICENSES AND PLATES REQUIRED—EXCEPTIONS.**

It is unlawful for a person to operate any vehicle over and along a public highway in this county without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as provided for in RCW Chapter 46.16.

**46.16.025 IDENTIFICATION DEVICE FOR EXEMPT FARM VEHICLES.**

Before any "farm vehicle" as defined in RCW 46.04.181 shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of motor vehicles and issued by the Department of Motor Vehicles, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of RCW Chapter 46.16.

**46.16.100 SPECIAL PERMITS FOR SINGLE MOVEMENT—FEE—ISSUANCE.**

When any vehicle is moved over, across or along a county road, for which movement a special motor vehicle permit is otherwise required for movement upon a state highway as set-forth in RCW Chapters 46.16 and 46.44, the operator thereof shall obtain approval prior to such movement from the Wahkiakum County Engineer's Office and pay a fee therefor of five dollars. Violation of this section shall be a misdemeanor and upon conviction thereof a fine of not less than twenty five dollars nor more than one hundred dollars shall be imposed, no part of which shall be suspended or deferred.

**46.16.240 & 46.16.260 VEHICLE LICENSES.**

The following sections of the Revised Code of Washington relating to vehicle licenses, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.16.240 and 46.16.260.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

**46.16.505 CAMPER LICENSE—REQUIRED.**

It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this County without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law.

**46.20.021 & 46.20.045 OPERATORS' LICENSES.**

The following sections of the Revised Code of Washington relating to Operators' licenses, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.20.021 and 46.20.045.

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The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

**46.20.055 INSTRUCTION PERMITS AND TEMPORARY LICENSES.**

- (1) No person, entitled to drive a motor vehicle, pursuant to an instruction permit issued under the provisions of RCW 46.20.055, shall drive a motor vehicle without having such permit in his immediate possession; nor shall such person drive a motor vehicle unless accompanied by a licensed driver who has had at least five years of driving experience and is licensed in the State of Washington and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle.
- (2) No person holding a temporary driver's permit issued pursuant to RCW 46.20.055, shall drive a motor vehicle without such temporary driver's permit in his immediate possession.

**46.20.308 thru 46.20.430 OPERATORS' LICENSES.**

The following sections of the Revised Code of Washington relating to Operators' Licenses, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.20.308 (1), (2), & (3), 46.20.336, 46.20.342, 46.20.343, 46.20.344, 46.20.410, 46.20.420, and 46.20.430.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

**46.20.440 OPERATION OF VEHICLES REQUIRING SPECIAL SKILLS.**

It is unlawful for a person to operate upon the public highway any motor truck, truck tractor, school bus, private carrier bus, auto stage or for-hire vehicle as defined by RCW 46.04.310, 46.04.650, 46.04.521, 46.04.040, 46.04.190 and 46.04.416 respectively, found by the State Director of Licenses to require special operating skills as hereafter provided, unless the driver has successfully completed an examination, in addition to the examination in RCW 46.20.130, demonstrating the ability of the driver to operate and maneuver the vehicle or vehicles upon the public highway in a manner not to jeopardize the safety of persons or property; provided, that this requirement shall not apply to any person hauling farm commodities from the farm to the processing plant or shipping point, not to exceed a radius of fifty miles from the farm.

**46.20.500 SPECIAL ENDORSEMENT FOR MOTORCYCLE OPERATOR'S LICENSE.**

No person shall drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle as defined in RCW 46.04.332, unless such person has a valid driver's license specially endorsed by the director of motor vehicles to enable the holder to drive such vehicles.

**46.29.610 SURRENDER OF LICENSE AND REGISTRATION—PENALTY.**

Any person wilfully failing to return a license as required by RCW 46.29.610(1) shall be guilty of a misdemeanor.

**46.29.620 and 46.29.625 FINANCIAL RESPONSIBILITY.**

The following sections of the Revised Code of Washington relating to Financial Responsibility, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.29.620, 46.29.625.

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The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

**46.32.060 and 46.32.070 VEHICLE INSPECTION.**

The following sections of the Revised Code of Washington relating to vehicle inspection, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.32.060 and 46.32.070.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set forth.

**46.37.010 thru 46.37.535 VEHICLE LIGHTING AND OTHER EQUIPMENT.**

The following sections of the Revised Code of Washington relating to vehicle lighting and other equipment, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.190, 46.37.194, 46.37.200, 46.37.210, 46.37.220, 46.37.230, 46.37.240, 46.37.250, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.370, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.460, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.520, 46.37.530, and 46.37.535.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

**46.44.010 thru 46.44.070 SIZE, WEIGHT, LOAD.**

The following sections of the Revised Code of Washington relating to vehicle size, weight, and load, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.040, 46.44.040, 46.44.042, 46.44.044, 46.44.045, 46.44.046, 46.44.047, 46.44.050, 46.44.060, and 46.44.070.

The foregoing sections shall constitute a portion of the Wahkiakum county Traffic Code and shall be numbered as set-forth above.

**46.52.010 thru 46.52.100 ACCIDENTS AND REPORTS.**

The following sections of the Revised Code of Washington relating to vehicle accidents and reports, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.52.010, 46.52.020, 46.52.030, 46.52.035, 46.52.040, 46.52.070, 46.52.080, 46.52.090 and 46.52.100.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as set forth above.

**46.55.010 DEFINITIONS.**

Terms used in Sections 46.55.010 through 46.55.140 shall have the following meanings:

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- A. "County road" means all or any part of the width extending between the boundary or right-of-way lines of every way publicly maintained or dedicated for use as a public street or road whether or not such entire area is actually used for highway purposes and which is located outside the corporate limits of cities and towns and which has not been designated as a state highway.
- B. "Disabled vehicle" means any vehicle, whether self-propelled or otherwise, designed for the transportation of persons or property, which has been damaged or disabled as the result of any accident, which has been abandoned, or which has been made inoperative, or is or has been dismantled, or is being repaired or remodeled.
- C. "Encroachment" means any tower, pole, poleline, pipe, pipeline, fence, billboard, stand or building, or any other structure or object of any kind or character whatsoever. The term "encroachment" does not include vehicles.
- D. "Person" includes the plural and all corporations, foreign or domestic, municipal corporations, copartnerships, firms and associations of persons.

(Ord. 110-89 § 1)

**46.55.020 OBSTRUCTIONS PROHIBITED.**

It shall be unlawful for any person to place, cause to be placed, or leave standing, any obstruction or encroachment within or upon any county road within the unincorporated areas of Wahkiakum County.

(Ord. 138-04 § 2: Ord. 110-89 § 2)

**46.55.030 DISABLED VEHICLES PROHIBITED.**

It shall be unlawful for any person to park, or leave standing, or for the owner thereof to allow to remain standing, any disabled vehicle within or upon any county road within the unincorporated areas of Wahkiakum County, if said vehicle is not removed within twenty-four hours after the attachment of a notification sticker as provided in Sections 46.55.010 through 46.55.140.

(Ord. 110-89 § 3)

**46.55.040 PARKING OF UNLICENSED VEHICLES PROHIBITED.**

No person shall stop, stand or park a vehicle within or upon any county road within the unincorporated areas of Wahkiakum County, unless said vehicle displays a current and valid vehicle license as prescribed by the laws of the State of Washington. This section does not apply to disabled vehicles.

(Ord. 138-04 § 1: Ord. 110-89 § 4)

**46.55.050 PRESUMPTION REGARDING STOPPED, STANDING OR PARKED VEHICLES.**

- A. In any traffic infraction case involving a violation of Section 46.55.030 or 46.55.040, proof that the particular vehicle described in the notice of traffic infraction was stopping, standing or parking in violation of Sections 46.55.030 or 46.55.040, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

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- B. The foregoing stated presumption shall apply only when the procedure prescribed in Section 46.63.030(3) of the Revised Code of Washington, as now or hereafter amended, has been followed.

(Ord. 110-89 § 5)

**46.55.060 NOTIFICATION STICKERS TO BE ATTACHED.**

A law enforcement officer discovering any obstruction, encroachment or vehicle placed or parked within a county road in violation of Sections 46.55.020, 46.55.030 or 46.55.040 shall attach to such obstruction, encroachment or vehicle a readily visible notification sticker. The sticker shall contain the following information:

- A. The date and time the sticker was attached;
- B. The identity of the officer;
- C. The statement that if the obstruction, encroachment or vehicle is not removed within twenty-four hours from the time the sticker is attached, the obstruction, encroachment or vehicle may be taken into custody and stored at the owner's expense; and
- D. The address and telephone number where additional information may be obtained.

If the object in question is a vehicle that has current Washington State Registration plates, the officer shall check the motor vehicle records to learn the identity of the last owner of record. If the object in question is not a vehicle, the officer shall make a reasonable effort to learn the identity of the owner of said object. The officer or his department shall make a reasonable effort to contact any such owner by telephone in order to give the owner the information on the notification sticker.

(Ord. 110-89 § 6)

**46.55.070 REMOVAL AND IMPOUNDMENT.**

- A. If the obstruction, encroachment or vehicle is not removed within twenty-four hours from the time the notification sticker described in Section 46.55.060 is attached, a law enforcement officer or other public official may take custody of the obstruction, encroachment, or vehicle, and provide for the removal of said object to a place of safety upon issuance of a written authorization to impound as prescribed in subsection B of this section. For purposes of this section, a place of safety includes the business location of a registered tow truck operator.
- B. Impoundment pursuant to this section shall occur only after issuance of a written authorization to impound signed by the Wahkiakum County Sheriff or his designee. The authorization to impound shall be in a form prescribed by written policy of the Sheriff and at a minimum shall denote the legal basis for the impound, the date and time when the notification sticker was attached, the identity of the person requesting the impound, the person authorized to effect the impound, and the date and time of issuance of said authorization.

(Ord. 110-89 § 7)

**46.55.080 NOTICE OF OWNERS.**

- A. In the case of an authorized vehicle impounded from a county road pursuant to Sections 46.55.010 through 46.55.140, the Sheriff or other public official directing the impoundment shall notify the legal and registered owners of the impoundment of the unauthorized vehicle. The notification shall be sent



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by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, as disclosed by the records of the Washington Department of Licensing. The notification shall include the name of the impounding tow firm or agency, its address and telephone number. The notice shall also include the location, time of impound, and by whose authority the vehicle was impounded. The notification shall also include a written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment as set forth in Section 46.55.090.

- B. In the case of an object, other than a vehicle impounded from a county road pursuant to Sections 46.55.010 through 46.55.140, the Sheriff or other public official directing the impoundment shall make a reasonable effort to ascertain the identity of the owner or owners of the impounded property. If an owner or owners is so ascertained the Sheriff or other public official responsible for the impoundment shall mail notification of the impoundment to the last known address of said owner or owners by first-class mail within twenty-four hours after the impoundment. If the owner or owners of the said impounded property cannot be ascertained after reasonable efforts, the Sheriff or other public official responsible for the impoundment shall cause notification of the impoundment to be published once each week for two consecutive weeks in a legal newspaper of general circulation of Wahkiakum County. The mailed or published notification shall include the name of the impounding tow firm or agency, its address and telephone number, together with a description of the property impounded. The notification shall also include a written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment as set forth in Section 46.55.090.

(Ord. 110-89 § 8)

**46.55.090 REDEMPTION RIGHTS AND HEARING PROCEDURES.**

- A. Vehicles or other property impounded pursuant to Sections 46.55.010 through 46.55.140 may be redeemed only under the following circumstances:
1. Only a person who produces proof of ownership or written authorization from the established owner and signs the receipt therefor can redeem any vehicle or other property impounded pursuant to Sections 46.55.010 through 46.55.140.
  2. The county or person having custody of the vehicle or other impounded property shall release the same upon the presentation of commercially reasonable tender sufficient to cover the costs of towing, storage and other services rendered during the course of towing, removing, impounding and/or storing such vehicle or other impounded property. Commercially reasonable tender shall include cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required to bear a photograph; provided, however, the County shall not be required to accept major bank credit cards. The remedies set forth in RCW 46.55.120(1)(b), as now or hereafter amended, shall be available to any firm or agency receiving a bad check as a result of the procedure prescribed in this subsection.
- B. The County or person having custody of the vehicle or other impounded property shall give to each person who seeks to redeem any such item a written notice of the right of redemption and opportunity for a hearing, which notice shall accompanied by a form to be used for requesting a hearing and a copy of the removal and storage invoice. The County or person giving such notice shall maintain a record evidenced by the redeeming person's signature that such notification was provided.
- C. Any person seeking to redeem a vehicle or other property impounded pursuant to Sections 46.55.010 through 46.55.140 shall have the right to a hearing in Wahkiakum County District Court in order to contest the validity of impoundment or the amount of the removal, towing and storage charges. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the District Court within ten days of the receipt of the written notice prescribed in subsection B of this section. If the hearing request is not received by the District Court within the ten-day period,

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the right to a hearing is waived. Upon receipt of a timely request, the District Court shall proceed to hear and determine the validity of the impoundment.

- D. Any hearing timely requested pursuant to subsection C of this section shall be conducted in accord with the procedures set forth in RCW 46.55.120(3) as now or hereafter amended.

(Ord. 110-89 § 9)

**46.55.100 DISPOSAL AND SALE OF UNCLAIMED PROPERTY.**

- A. If, after the expiration of fifteen days from the date of mailing or date of last publication of the notice of custody and sale prescribed in Section 46.55.080, the vehicle or other impounded property remains unclaimed and is not the subject of a stolen vehicle report, then the County or tow truck operator having custody of the vehicle or other impounded property shall conduct a sale of said vehicle or property at public auction after having first published a notice of the date, place and time of the auction in a newspaper of general circulation in the County in which the vehicle or other impounded property is located not less than three days before the date of the auction. The notice shall contain a description of the property being offered for sale and a notification that a three-hour public viewing period will be available before the auction. If a vehicle is being offered for sale, the notice shall include the make, model, year and license number of said vehicle.
- B. The following procedures shall govern any public auction conducted pursuant to this section:
  - 1. County auctions shall be conducted by the County Treasurer or the Treasurer's designee and shall be held during normal courthouse hours at the Wahkiakum County Courthouse.
  - 2. Auctions conducted by private persons or firms shall be held during daylight hours of a normal business day and shall comply with the requirements contained in RCW 46.55.130(2)(f) as now or hereafter amended.
  - 3. The auction shall be held in such a manner that all persons present are given equal time and opportunity to bid.
  - 4. All bidders must be present at the time of auction unless they have submitted a prior written bid on a specific piece of property. Written bids may be submitted up to five days before the auction and shall clearly state which piece of property is being bid upon, the amount of the bid, and who is submitting the bid.
  - 5. The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded.
  - 6. The highest two bids received shall be recorded in written form.
  - 7. In case the high bidder defaults, the next bidder has the right to purchase the property for the amount of his or bid.
- C. The proceeds of any sale conducted pursuant to this section shall be disbursed as follows:
  - 1. With respect to vehicles sold, all surplus moneys derived from the auction after deduction of the costs of removal, impoundment and sale, shall be remitted within thirty days to the Washington Department of Licensing for deposit in the State Motor Vehicle Fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds.
  - 2. With respect to all other property sold pursuant to Sections 46.55.010 through 46.55.140, all surplus moneys derived from the auction after deduction of the costs of removal, impoundment, and sale, shall be deposited in the County Current Expense Fund for the use of the County.
  - 3. Amounts chargeable to storage costs shall be limited as provided in RCW 46.55.130(3) as now or hereafter amended.

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- D. Vehicles for which no bid is received shall be disposed of according to the provisions of RCW 46.55.130(2)(h) as now or hereafter amended. Other property for which no bid is received may be retained for County use or destroyed if said property has no appreciable market value.

(Ord. 110-89 § 10)

**46.55.110 IMMEDIATE REMOVAL OF VEHICLES.**

Sections 46.55.010 through 46.55.140 shall not be construed to in any way restrict the authority of a police officer to take custody of a vehicle and provide for its prompt removal under the circumstances set forth in RCW 46.55.113 as now or hereafter amended.

(Ord. 110-89 § 11)

**46.55.120 EXCEPTION FOR UTILITIES.**

The provisions of Sections 46.55.010 through 46.55.140 shall not apply to pole lines, pipe lines or other structures maintained within County road rights-of-way for public or quasi-public utilities by virtue of a valid franchise or permit issued by the Wahkiakum County Public Works Department in accord with the provisions of Chapter 36.55 of the Revised Code of Washington, as now or hereafter amended.

(Ord. 110-89 § 12)

**46.55.130 PENALTIES.**

- A. Any person violating any provision of Section 46.55.020 shall severally, and for each and every violation and noncompliance respectively, be guilty of a misdemeanor. Any person so convicted shall be punished for each offense by a fine of not more than Five Hundred Dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment.
- B. Any person violating any of the provisions of Section 46.55.030 or 46.55.040 shall be guilty of a traffic infraction and shall be subject to the penalties and disposition procedures set forth in Chapter 46.63 of the Revised Code of Washington.

(Ord. 110-89 § 13)

**46.55.140 SEVERABILITY.**

If any provision of Sections 46.55.010 through 46.55.130 or its application to any person or circumstance is held invalid, the remainder of Sections 46.55.010 through 46.55.130 or the application of the provision to other persons or circumstances is not affected.

(Ord. 110-89 § 14)

**46.55.150 PARKING ON COUNTY ROADS—DEFINITIONS.**

Terms used in Sections 46.55.150 through 46.55.200 shall have the following meanings:

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"County road" means all of any part of the width extending between the boundary of right-of-way lines of every way publicly maintained or dedicated for use as a public street or road whether or not such entire area is actually used for highway purposes and which is located outside the corporate limits of cities and towns and which has not been designated as a state highway.

"Recreation vehicle" means a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, travel trailer, mobilehome or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"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, including bicycles. The term does not include devices other than bicycles moved by human or animal power used exclusively upon stationary rails or tracks. Mopeds shall be considered vehicles.

(Ord. 116-92 § 1)

**46.55.160 PARKING IN FRONT OF PRIVATE SIDEWALKS PROHIBITED.**

Except when necessary to avoid a conflict with other traffic, or in compliance with law or directions of a police officer or official traffic control device, no person shall stop, stand or park a vehicle in front of any private sidewalk or walkway extending from the lateral line of a county road to the door of any dwelling house.

(Ord. 116-92 § 2)

**46.55.170 OBSTRUCTION OF PEDESTRIAN ACCESS PROHIBITED.**

Except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer or official traffic control device, no person shall stop, stand or park a vehicle so as to in any manner obstruct pedestrian access to a private dwelling house.

(Ord. 116-92 § 3)

**46.55.180 PARKING OF RECREATION VEHICLES RESTRICTED.**

No person shall park or otherwise leave on any county road, or public right-of-way relative thereto, any recreation vehicle, or boat trailer, if such vehicle or trailer:

- A. Is so parked as to constitute a definite hazard or obstruction to the normal movement of traffic and/or;
- B. Has been parked or left standing on any county road or right-of-way for any continuous period of time more than twenty-four hours.

(Ord. 116-92 § 4)

**46.55.190 IMPOUNDMENT AUTHORIZED.**

Vehicles, recreation vehicles and boat trailers, found stopped, parked or standing, in violation of the provisions of Sections 46.55.160 through 46.55.180 of this chapter are subject to impound. Officers of the Wahkiakum County Sheriff's Department are authorized to direct the removal and impoundment of such

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vehicles, recreation vehicles, and boat trailers, when: (1) the vehicle, recreation vehicle or boat trailer is not removed within twenty-four hours from the time a notification sticker as described in Section 46.55.060 of the Revised Code of Wahkiakum County is attached; and (2) a written authorization to impound made in the manner and form prescribed by Section 46.55.070 of the Revised Code of Wahkiakum County has been issued. Any such impoundment must be made in accordance with the notice, hearing, and redemption provisions contained in Sections 46.55.060, 46.55.080, 46.55.090 and 46.55.100 of the Revised Code of Wahkiakum County, as the same now exist or as they may hereafter be amended.

(Ord. 116-92 § 5)

**46.55.200 VIOLATIONS—PENALTIES.**

It is a traffic infraction for any person to violate any of the provisions contained in Sections 46.55.160 through 46.55.180 of this chapter. Any officer of the Wahkiakum County Sheriff's Department is authorized to issue a notice of traffic infraction for violations of this chapter. The notice of traffic infraction shall be issued and processed in accordance with the provisions of RCW Chapter 46.63. Any person found to have violated any of the provisions contained in Sections 46.55.160 through 46.55.180 of this chapter shall be assessed a civil monetary penalty not to exceed two hundred fifty dollars for each offense.

(Ord. 116-92 § 6)

**46.61.005 PROVISIONS OF ORDINANCE REFER TO VEHICLES UPON HIGHWAYS—EXCEPTIONS.**

The provisions of Chapter 46.61.R.C.W.C. relating to the operation of vehicles refer exclusively to the operation of vehicles upon the public highways of Wahkiakum County EXCEPT:

- (1) Where a different place is specifically referred to in a given section.
- (2) The provisions of RCW 46.52.010 through 46.52.090 and 46.61.500 through 46.61.520 shall apply upon highways and elsewhere throughout the county.

**46.61.015 THRU 46.61.035 OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS.**

The following sections of the Revised Code of Washington relating to obedience to and effect of traffic laws, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.61.015, 46.61.020, 46.61.025, 46.61.030 and 46.61.035.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set forth.

**46.61.050 THRU 46.61.080 TRAFFIC SIGNS, SIGNALS, AND MARKINGS.**

The following sections of the Revised Code of Washington relating to traffic signs, signals, and markings, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.61.050, 46.61.065, 46.61.075, and 46.61.080.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set forth.

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**46.61.100 thru 46.61.145 DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING—USE OF ROADWAY.**

The following sections of the Revised Code of Washington relating to driving on the right side of roadway, overtaking and passing, and the use of the roadway, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.61.100, 46.61.105, 46.61.110, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, and 46.61.145.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set forth.

**46.61.180 thru 46.61.255 RIGHT OF WAY—PEDESTRIANS' RIGHTS AND DUTIES.**

The following sections of the Revised Code of Washington relating to Right of Way pedestrians' rights and duties, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.61.180, 46.61.185, 46.61.190, 46.61.200, 46.61.205, 46.61.210, 46.61.230, 46.61.235, 46.61.240, 46.61.245, 46.61.250, and 46.61.255.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

**46.61.290 thru 46.61.370 TURNING, STARTING, STOPPING, AND SIGNALS ON STOPPING AND TURNING.**

The following sections of the Revised Code of Washington relating to turning, starting, stopping, and signals on stopping and turning, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.61.290, 46.61.295, 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.360, 46.61.365 and 46.61.370.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

**46.61.400 BASIC RULE AND MAXIMUM SPEED LIMITS.**

- A. No person shall drive a vehicle on a county road at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the county road in compliance with legal requirements and the duty of all persons to use due care.
- B. The Washington State traffic laws regulating the speed of vehicles shall be applicable upon all county roads within Wahkiakum County, except as this traffic code, as authorized by state law, hereby declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it is unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this traffic code.
- C. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law on county roads is greater than is reasonable or safe under the conditions found to exist upon the following roads, and it is hereby declared that the speed limit shall be as herein set forth on those roads or parts of roads herein designated:
  1. No person shall operate a motor vehicle upon the following county roads in excess of twenty miles per hour, when signs are erected giving notice thereof: Anderson Road (County Road No. 10850);

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Bjornsgard Road (County Road No. 12730); Boege Road (County Road No. 13450); Butte West Valley Road (County Road No. 12530); Clover Street Road (County Road No. 13452); Covered Bridge Road from milepost 0.00 to milepost 0.2 (County Road No. 11890); Deep River Cemetery Road (County Road No. 10790); E. Malone Road (County Road No. 11570); Fairground Parking Lot (County Road No. 12130); Fairview Road (County Road No. 11870); Grays River Cemetery Road (County Road No. 11750); Hendrickson Road (County Road No. 13190); Keyser Road (County Road No. 13610); Kin Road (County Road No. 10900); Lassala Road (County Road No. 10510); Middle Valley Road from milepost 0.0 to milepost 0.75 (County Road No. 92130); Morgan Drive Road (County Road No. 13492); Mullins Road (County Road No. 12670); N. Hull Creek Road (County Road No. 11780); Oak Point Road (County Road No. 13590); Person Road (County Road No. 10160); Pleasant Point Road (County Road No. 12030); Rangila Road (County Road No. 10740); Rosburg Cemetery Road (County Road No. 11610); Rosburg Community Hall Road (County Road No. 11630); Rosburg School Road (County Road No. 11670); S. Hull Creek Road (County Road No. 11790); Salme Road (County Road No. 10050); Hungry Highway (County Road No. 10110); Naselle River Road (County Road No. 10111); School House Road (County Road No. 93029); Schraum Road (County Road No. 13550); Spruce Street Road (County Road No. 13980); Vaughn Road (County Road No. 12360); W. Malone Road (County Road No. 11530); Wainamo Branch Road (County Road No. 10610); Wainamo Road (County Road No. 10560); Waranka Road (County Road No. 11100); Wirkkala Road (County Road No. 10700); White Road (County Road No. 10170); Wold Road (County Road No. 12320); 2nd Street Road; Grays River Street Road; Part Old Hwy Section 16, 9-6; Crooked Creek - Brookfield Road; Mill Creek Road.

2. No person shall operate a motor vehicle upon the following county roads in excess of twenty-five miles per hour, when signs are erected giving notice thereof: "E" Street Road (County Road No. 13462); Cochran Drive Road (County Road No. 13454); Fern Hill Road (County Road No. 13380); Kandoll Road (County Road No. 11460); Mattson Road (County Road No. 11150); Raistakka Road (County Road No. 11350); Ridge Road; Seal River Road (County Road No. 11510); Upper Landing Eden Road (County Road No. 11130); West Deep River (County Road No. 10650).
3. No person shall operate a motor vehicle upon the following county roads in excess of thirty miles per hour, when signs are erected giving notice thereof: Altoona-Pillar Rock Road from milepost 0.8 to the end (County Road No. 91000); Brooks Slough Road (County Road No. 13900); Columbia Street (County Road No. 13280); Cross Dike Road (County Road No. 13140); East Birnie Slough Road (County Road No. 93114); East Deep River Road (County Road No. 91110); East Little Island Road (County Road No. 13240); East Sunny Sands Road (County Road No. 93113); Fossil Creek Road (County Road No. 11910); Hedlund Road (County Road No. 13110); Hodgson Road (County Road No. 13570); Hoikka Road (County Road No. 11280); Howard Road (County Road No. 13050); Ingalls Road (County Road No. 12400); Longtain Road (County Road No. 13730); Maki Road (County Road No. 12620); Mill Road (County No. 11410); Mill Road (County Road No. 13470); Miller Point Road (County Road No. 11050); N. Satterlund Road (County Road No. 11970); N. Welcome Slough Road (County Road No. 93032); Naselle River Road (County Road No. 10111); Oatfield Road (County Road No. 12860); Oneida Road (County Road No. 10150); Peterson Road (County Road No. 12800); S. Satterlund Road (County Road No. 11950); S. Welcome Slough Road (County Road No. 93111); School House Road (County Road No. 93029); Shannon Road (County Road No. 11930); State Road (County Road No. 13020); Steamboat Slough Road (County Road No. 92170); Welcome Slough Road (County Road No. 93110); West Birnie Slough Road (County Road No. 93030); West Little Island Road (County Road No. 13250); West Sunny Sands Road (County Road No. 93112).
4. No person shall operate a motor vehicle upon the following county roads in excess of thirty-five miles per hour, when signs are erected giving notice thereof: Barr Road (County Road No. 91170); Covered Bridge Road (County Road No. 11890) from milepost 0.2 to the intersection with Barr Road (County Road No. 91170); East Valley Road (County Road No. 92080); Eden Valley Road (County Road No. 11180); Family Camp Road (County Road No. 13790); Loop Road (County

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Road No. 91220); Middle Valley Road from milepost 0.75 to the end (County Road No. 92130); Nelson Creek Road (County Road No. 13690); Salmon Creek Road (County Road No. 10030); West Valley Road (County Road No. 12580).

5. No person shall operate a motor vehicle upon the following county roads in excess of forty miles per hour, when signs are erected giving notice thereof: Beaver Creek Road (County Road No. 93220); Risk Road (County Road No. 93190).

(Ord. 138-04 § 2: Ord. 93-77 §§ 1, 2)

**46.61.425 MINIMUM SPEED REGULATION.**

The following section of the Revised Code of Washington relating to minimum speed regulation, as now or hereafter amended, is hereby adopted by reference as a part of this Ordinance in all respects as though such section was set forth herein in full: RCW 46.61.425(1).

The foregoing section shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

**46.61.440 MAXIMUM SPEED LIMIT WHEN PASSING SCHOOL OR PLAYGROUND CROSSWALKS.**

Subject to RCWC 46.61.400 (1), and except in those instances where a lower maximum lawful speed is provided by this Ordinance or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a public highway or road within the unincorporated areas of Wahkiakum County when passing any marked public school or playground crosswalk when such marked crosswalk is fully posted with speed control signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk.

**46.61.445 and 46.61.465 SPEED RESTRICTIONS.**

The following sections of the Revised Code of Washington, relating to speed restrictions, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.61.445 and 46.61.465.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

**46.61.500 thru 46.61.535 RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT DRIVING.**

The following sections of the Revised Code of Washington relating to Reckless Driving, Driving, While Intoxicated, and Negligent Driving, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.506, 46.61.510, 46.61.515, 46.61.525, 46.61.530 and 46.61.535.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.



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**46.61.560 PARKING PROHIBITED ON THE MAIN-TRAVELED PORTION OF HIGHWAYS.**

- (1) No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the main-traveled part of any road or highway within the boundaries of Wahkiakum County and outside of incorporated cities and towns.
- (2) This section shall not apply to the driver of any vehicle which is disabled while on the main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

**46.61.562 PARKING NOT TO OBSTRUCT TRAFFIC.**

- (1) No person shall park a vehicle upon a highway or road in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.
- (2) No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

**46.61.564 PARKING FOR CERTAIN PURPOSES UNLAWFUL.**

- (1) No person shall park any vehicle upon any highway or road for the principal purpose of: (a) Displaying advertising; (b) Displaying such vehicle for sale; (c) Selling merchandise from such vehicle when authorized;
- (2) No person shall park any vehicle upon any roadway for the principal purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

**46.61.565 OFFICERS AUTHORIZED TO REMOVE ILLEGALLY STOPPED VEHICLE.**

- (1) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of R.C.W.C. 46.61.560, 46.61.562, or 46.61.564, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the main-traveled part of such highway.
- (2) Whenever any police officer finds a vehicle unattended upon any bridge where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
- (3) The charge for removal of a vehicle as authorized in subsections (1) and (2) above shall be fixed by the Sheriff of Wahkiakum County. The Office of the Wahkiakum County Sheriff may perform the removal service directly or through a private firm. A private firm providing for such removal services shall post the authorized charges therefor prominently at its place of business. The costs incurred in the removal of such a vehicle shall be paid by the vehicle's owner and shall be a lien upon the vehicle until paid.

**46.61.570 PARKING RESTRICTIONS.**

The following section of the Revised Code of Washington relating to Parking Restrictions, as now or hereafter amended, is hereby adopted by reference as a part of this Ordinance in all respects as though such section were set forth herein in full: RCW 46.61.570.

The foregoing section shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

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**46.61.600 THRU 46.61.700 MISCELLANEOUS RULES OF THE ROAD.**

The following sections of the Revised Code of Washington relating to miscellaneous rules of the road, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.61.600, 46.61.605, 46.61.610, 46.61.611, 46.61.612, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.685 and 46.61.700.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set forth.

**46.61.750 THRU 46.61.780 BICYCLES.**

The following sections of the Revised Code of Washington relating to bicycles, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.61.750, 46.61.755, 46.61.760, 46.61.765, 46.61.770, 46.61.775 and 46.61.780.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set forth.

**46.61.790 FISHING FROM COUNTY BRIDGES PROHIBITED.**

Fishing from County bridges on the County road system is prohibited within Wahkiakum County, Washington.

(Ord. 117-92 § 1)

**46.61.800 PENALTIES—ENFORCEMENT.**

It is a traffic infraction for any person to violate any provision of this chapter. Any officer of the Wahkiakum County Sheriff's Department, any Washington State Wildlife Agent or any Washington State Fisheries Patrol Officer, is authorized to issue a notice of traffic infraction for violations of this chapter. The notice of traffic infraction shall be issued and processed in accordance with the provisions of RCW Chapter 46.63. Any person found to have violated any of the provisions contained in Section 46.61.790 of this chapter shall be assessed a civil monetary penalty not to exceed two hundred fifty dollars for each offense.

(Ord. 117-92 § 2)

**46.64.010 TRAFFIC CITATIONS.**

The Sheriff of Wahkiakum County shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of RCW 46.64.010.

Traffic citations shall be issued and processed pursuant to the provisions of RCW 46.64.010.

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**46.64.015 CITATION AND NOTICE TO APPEAR IN COURT—ISSUANCE—CONTENTS—WRITTEN PROMISE—ARREST.**

Section 1 of Chapter 56, Laws of 1975 (regular session), as now or hereafter amended, relating to the service of traffic citations is hereby adopted by reference as a part of this Ordinance in all respects as though such section was set forth herein in full.

**46.64.020 and 46.64.025 ENFORCEMENT.**

The following sections of the Revised Code of Washington relating to enforcement, as now or hereafter amended, are hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.64.020 and 46.64.025.

The foregoing sections shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set forth.

**46.64.030 PROCEDURE GOVERNING ARREST AND PROSECUTION.**

The following section of the Revised Code of Washington relating to procedure governing arrest and prosecution, as now or hereafter amended, is hereby adopted by reference as a part of this Ordinance in all respects as though such sections were set forth herein in full: RCW 46.64.040.

The foregoing section shall constitute a portion of the Wahkiakum County Traffic Code and shall be numbered as above set-forth.

**46.64.035 ACCIDENT INVESTIGATIONS—ARREST ON PROBABLE CAUSE.**

Section 3 of Chapter 56, Laws of 1975 (regular session), as now or hereafter amended, relating to accident investigations and arrest on probable cause is hereby adopted by reference as a part of this Ordinance in all respects as though such section was set forth herein in full.

**46.64.048 ATTEMPTING, AIDING, ABETTING, COERCING, COMMITTING VIOLATIONS, PUNISHABLE.**

Every person who commits, attempts to commit, conspire to commit, or aids or abets in the commission of any act declared by this Traffic Code to be a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or wilfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this Traffic Code is likewise guilty of such offense.

**46.64.050 PENALTY.**

Any person who shall violate any provision of this Ordinance or who shall counsel, aid or abet such a violation shall be deemed guilty of a misdemeanor unless violation is by this Ordinance or other law of the State of Washington declared to be a felony or a gross misdemeanor.

Unless another penalty is in this Traffic Code provided, every person convicted of a misdemeanor for violation of any provisions of this Traffic Code shall be fined in the sum of not more than \$250.00 and/or be imprisoned in the Wahkiakum County Jail for not more than ninety (90) days, or both.

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**46.64.060 DISPOSITION OF FINES AND FORFEITURES.**

All fines and forfeitures collected for violations of provisions of this Ordinance shall be deposited in the Wahkiakum County Current Expense Fund, and shall be available for general county purposes.

**46.64.070 REPEALER OF CONFLICTING ORDINANCES.**

All ordinances or orders and parts of ordinances or orders conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

**46.64.080 SEVERABILITY.**

If any provisions of this Ordinance, or its application to any person or circumstances is held invalid, the remainder of this Ordinance, or the application of the provision to other persons or circumstances shall not be affected.