

ORDINANCE NO. 88

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, REENACTING AND READOPTING THE MODEL TRAFFIC ORDINANCE, CHAPTER 46.90 RCW, WITH MODIFICATIONS, ESTABLISHING TRAFFIC OFFENSES AND PENALTIES, REPEALING SECTION 1 AND 2 OF ORDINANCE 71, ESTABLISHING PENALTIES FOR VIOLATION OF SECTIONS 3 AND 4 OF ORDINANCE 71; AND AMENDING SECTIONS 7, 19, AND 20 OF ORDINANCE 71.

WHEREAS, the Northeast District Court has recently dismissed two City of Bothell prosecutions based upon the Court's opinion that Bothell did not validly enact certain ordinances adopting the State Model Traffic Ordinance Chapter 46.90 RCW, and

WHEREAS, the City Council desires to remove any doubt as to the validity of the City of Woodinville's traffic code by readopting and reenacting the Model Traffic Ordinance so that further prosecutions will not be placed in jeopardy since City of Woodinville criminal prosecutions are tried in Northeast District Court, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Reenactment and Readoption of the Model Traffic Ordinance.

The Model Traffic Ordinance, Chapter 46.90 RCW, including any future additions to and amendments and repeals thereof, is hereby reenacted and readopted as the Woodinville Traffic Ordinance, to read as follows:

1. Model traffic ordinance adopted. The Washington Model Traffic Ordinance, RCW Chapter 46.90, including any future additions to and amendments and repeals thereof, referred to as the "Model Traffic Ordinance (MTO)," and all other statutes adopted by reference therein, is adopted by this reference as if set forth in full herein except as provided in the following paragraph 2, and shall be known as the "Woodinville traffic ordinances."

2. Sections of model traffic ordinance not adopted. The following sections of the MTO are not adopted by this reference and are expressly deleted:

RCW 46.90.142
46.90.145
46.90.148
46.90.172
46.90.250
46.90.255
46.90.418
46.90.500 through RCW 46.90.540
46.90.555
46.90.600 through RCW 46.90.660

That portion of RCW 46.90.427 which adopts by reference RCW 46.61.502, 46.61.504 and 46.61.506, and

That portion of RCW 46.90.406 which adopts by reference RCW 46.55.010 (4).

3. Sections included. The following sections of the Revised Code of Washington, including any future additions to and amendments and repeals thereof, are hereby adopted by reference:

RCW 46.04	RCW 46.12.270
46.08.070	46.16.065
46.08.190	46.16.070
46.09.040	46.16.080
46.09.050	46.16.090
46.09.070(4)	46.16.160
46.09.120	46.16.350
46.09.130	46.16.585
46.09.190	46.16.595
46.20.055	
46.20.205	
46.20.720	
46.20.730	
46.29.610	
46.32.050	
46.37.423	
46.37.424	
46.37.470	
46.37.620	
46.44.015	
46.44.080	
46.44.105	
46.44.160	

46.52.083
46.61.165
46.61.245
46.61.250
46.61.255
46.61.260
46.61.290
46.61.295
46.61.758
46.61.508
46.64.050
46.70.09
46.70.140
46.70.170
46.61.517
46.80.020

Section 2. Penalty for Violation of Section 3 or Section 4 of Woodinville Ordinance 71.

The penalty for violating Section 3 or section 4 of Woodinville Ordinance 71 is the same penalty as established by the State Legislature for a violation of RCW 46.61.502 or RCW 46.61.504 which is codified at RCW 46.61.515. RCW 46.61.515, including any future additions to, and amendments and repeals thereof, is hereby adopted by reference.

Section 3. Inattentive Driving. Section 7 of Woodinville Ordinance 71 is hereby amended to read as follows:

Section 7. Inattentive Driving.

It is unlawful for any person to operate a motor vehicle within the City in an inattentive manner. For the purposes of this section, "inattentive manner" means the operation of a motor vehicle in a manner which evidences a lack of the degree of attentiveness required to safely operate the vehicle under the prevailing conditions, including but not limited to the nature and condition of the roadway, presence of other traffic, presence of other pedestrians, and weather conditions. The offense of operating a motor vehicle in an inattentive manner shall be considered an infraction, punishable by a fine of not more than two hundred and fifty dollars \$250.00, and a lesser offense than, but included in, the offense of operating a motor vehicle in a negligent manner.

Section 4. Overnight Parking Prohibited in Residential Areas. Section 19 of Woodinville Ordinance 71 is hereby amended to read as follows:

Section 19. Overnight Parking Prohibited in Residential Areas.

A. It is unlawful to park, or otherwise leave, overnight, between the hours of 12:01 a.m., and 6:00 a.m., on any street or highway in the City of Woodinville within or abutting an area classified as residential (R-1 through R-48 zoning codes) by the official zoning ordinance, the following types of trailers and/or vehicles:

1. All types of trailers exceeding 80 inches in width designed to be drawn by a motor vehicle except recreation trailers;
2. Buses and trucks used for business purposes in whole or in part, excluding pickup or panel trucks of less than one ton rated capacity.

B. It is not necessary that restricted parking or other traffic signs be erected for the purpose of enforcing this section.

C. Any violation of this section shall be an infraction with a fine of not more than two hundred fifty dollars (\$250.00).

Section 5. Penalties and Procedure on Arrest--General Penalty. Section 20 of Woodinville Ordinance 71 is hereby amended to read as follows:

Section 20. Penalties and Procedure on Arrest--General Penalty.

Unless another penalty is expressly provided, every person convicted of a violation of any section of this Ordinance shall be punished by a fine of not more than two hundred fifty dollars (\$250.00).

Section 6. Repealer. Sections 1 and 2 of Ordinance 71 are hereby repealed, provided, that such repeal shall not affect prosecution for any violation of any provision of said Chapter prior to the effective date of this ordinance.

Section 7. Copies of Statutes Adopted. All state statutes comprising the Model Traffic Ordinance, Chapter 46.90 RCW, as adopted and modified in Section 1 and Section 2 of this Ordinance, and all state statutes incorporated in the Model Traffic Ordinance and Section 1, Paragraphs 1 and 3 of this ordinance, are attached to this ordinance as Exhibit A and incorporated herein by this reference as if set forth in full.

The statutes so attached are in the form in which they are adopted by Section 1 and Section 2 of this ordinance.

Section 8. Duties of City Clerk. The City Clerk shall authenticate this Ordinance, and the statutes attached hereto as Exhibit A, by signing his name on the signature block provided below, and the Clerk shall record this ordinance and Exhibit A in full in the official ordinance book of the City. Incident to the adoption of the Model Traffic Ordinance by this ordinance, one copy of the text of the adopted statutes shall be filed as required by RCW 35A.12.140 for use and examination by the public.

Section 9. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 10. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9TH DAY OF MAY, 1994

APPROVED:


LUCY DeYOUNG
MAYOR

ATTEST/AUTHENTICATED:



JAMES K. KATICA
CITY CLERK/TREASURER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 
WAYNE TANAKA

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL: 5/9/94
PUBLISHED:
EFFECTIVE DATE:
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