

## ORDINANCE NO. 1175

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TRAFFIC INFRACTIONS; AMENDING SECTION 10.04.011 OF THE GIG HARBOR MUNICIPAL CODE TO INCREASE THE PENALTY FOR INATTENTION TO DRIVING; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the City of Gig Harbor currently imposes a penalty of \$100 for the infraction of inattention to driving under GHMC 10.04.011; and

WHEREAS, the City desires to increase the penalty to \$250 for the infraction of inattention to driving under GHMC 10.04.011; and

WHEREAS, RCW 46.63.110(1) provides that no penalty shall exceed \$250 for a traffic infraction unless specifically authorized by statute; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on August 10, 2009; and

WHEREAS, on September 14, 2009, the City Council adopted this Ordinance at second reading during a regular City Council meeting; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 10.04.011 of the Gig Harbor Municipal Code is hereby amended to read as follows:

10.04.011 Inattention to driving.

It is unlawful for any person to operate a vehicle in an inattentive manner over the streets of the city. For the purpose of this section, "inattentive" means the operation of a vehicle upon the streets of the city in such a manner so as to fail to maintain a careful lookout for persons or property in the direction of travel. Any person operating a vehicle in an inattentive manner is guilty of an infraction, and which is punishable in accord with GHMC 1.16.010D.3. in the amount of \$250, notwithstanding the penalty schedule outlined in GHMC 1.16.010.D.3.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the

application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 14th day of September, 2009.

CITY OF GIG HARBOR

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Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

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Molly Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

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Angela S. Belbeck, City Attorney

FILED WITH THE CITY CLERK: 08/05/09  
PASSED BY THE CITY COUNCIL: 09/14/09  
PUBLISHED: 09/23/09  
EFFECTIVE DATE: 09/28/09  
ORDINANCE NO: 1175