

ORDINANCE NO. 673

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING SECTIONS 10.04.005 AND 10.04.010 OF THE GIG HARBOR MUNICIPAL CODE, IN ORDER TO READOPT THE WASHINGTON MODEL TRAFFIC ORDINANCE AS CONTAINED IN THE WASHINGTON ADMINISTRATIVE CODE, CHAPTER 308-330 WAC, AND INCORPORATING AND ADDING NEW SECTIONS AFFECTING THE TRAFFIC CODE THAT HAVE BEEN ADOPTED BY THE 1994 STATE LEGISLATURE; AND DECLARING THE EXISTENCE OF AN EMERGENCY NECESSITATING A WAIVER OF THE ORDINANCE ADOPTION PROCEDURE SET FORTH IN GHMC SECTION 1.08.020.

WHEREAS, the state legislature has determined that RCW Chapter 46.90, which contained the Washington Model Traffic Ordinance (MTO), shall be repealed as of July 1, 1994; and

WHEREAS, the state legislature has also determined that the provisions of the Washington MTO shall be transferred and readopted into the Washington Administrative Code (WAC), Chapter 308-330, which will become effective on July 1, 1994; and

WHEREAS, in order for the City to continue to have a valid traffic ordinance, the City must also readopt those provisions that have been transferred into the WAC; and

WHEREAS, the 1994 state legislature has additionally amended and created new traffic provisions and in order for the City to incorporate the new changes that have been made to traffic provisions by the 1994 state legislature, the City must adopt and incorporate those changes into its own traffic code for the health, safety and welfare of its citizens; and

WHEREAS, the City's ordinance adoption procedure as set forth in GHMC Section 1.08.020, requires two readings of an ordinance before adoption, but adherence to this procedure would leave the City without an enforceable MTO on July 1, 1994; and

WHEREAS, an emergency exists necessitating a waiver of the procedure set forth in GHMC Section 1.08.020 to allow the Council to adopt the ordinance on the first day of its introduction; NOW, THEREFORE,

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

Section i). Model Traffic Ordinance Adopted by Reference. Section 10.04.005 of the Gig Harbor Municipal Code is hereby amended to read as follows:

10.04.005--Model Traffic Ordinance Adopted by Reference. Unless otherwise provided herein, the "Washington Model Traffic Ordinance," (MTO) WAC Chapter 308-330 including any future amendments, repeals or additions thereto, is hereby adopted by reference as the traffic ordinance of the City of Gig Harbor.

Section ii). Statutes Adopted by Reference. Section 10.04.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

10.04.010--Statutes Adopted by Reference. The following state statutes, including all future amendments, repeals, or additions thereto, are hereby adopted by reference as if set forth in full:

1. RCW 46.04.440 - Definition of railroad.
2. RCW 46.08.065 - Publicly owned vehicles to be marked - exceptions.

3. RCW 46.08.066 - Publicly owned vehicles - confidential license plates, issuance rules governing.
4. RCW 46.08.067 - Publicly owned vehicles - violations concerning marking and confidential license plates.
5. RCW 46.08.068 - Publicly owned vehicles - remarking not required, when.
6. RCW 46.08.070 - Nonresidents, application to.
7. RCW 46.08.190 - Jurisdiction of judges of district, municipal and superior court.
8. RCW 46.44.110 - Liability for damage to highways, bridges, etc.
9. RCW 46.37.380 - Horns, warning devices and theft alarms.
10. RCW 46.37.390 - Mufflers, prevention of noise - smoke and air contaminants - standards and definitions.
11. RCW 46.37.400 - Mirrors.
12. RCW 46.37.410 - Windshields required, exception - must be unobstructed and equipped with wipers.
13. RCW 46.64.030 - Procedure governing arrest and prosecution.
14. RCW 47.36.130 - Meddling with signs prohibited.
15. RCW 47.52.010 - Limited access facility defined.
16. RCW 47.52.011 - "Existing highway" defined.
17. RCW 47.52.040 - Design - ingress and egress restricted, closure of intersection roads.
18. RCW 47.52.110 - Marking of facility with signs.
19. RCW 47.52.120 - Violations specified - exceptions, penalty.
20. RCW 46.01.230 and 46.12.160 and the Laws of 1994, Chapter 262, Sections 1, 5.
21. RCW 46.20.710, .720, .730, .740, 46.55.113, 46.61.5151, .5152 and the Laws of 1994, Chapter 275, Sections 1, 14, 10, 21, 22, 23, 24, 32, 4-9, 39, 40.
22. RCW 46.16.381 and the Laws of 1994, Chapter 194, Sections 1, 6.

23. RCW 46.12.270 and the Laws of 1994, Chapter 139, Sections 2, 1.
24. The Laws of 1994, Chapter 141, Section 1.

Section iii). Savings Clause. The amendment of Sections 10.04.005 and 10.04.010 of the Gig Harbor Municipal Code (GHMC), as provided, shall not affect the prosecution for any violation of any provision of said sections prior to the effective date of this ordinance.

Section iv). Copies of Statutes Adopted. All state statutes comprising the Model Traffic Ordinance, WAC Chapter 308-330, as adopted in Section 10.04.005 of the Gig Harbor Municipal Code by this ordinance, and all state statutes incorporated in the City's traffic code by this ordinance are attached hereto 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 were adopted by this ordinance.

Section v). Filing. Incident to the adoption of the MTO by reference, by this chapter, one copy of the text of the adopted MTO and of other adopted statutes shall be filed as required by RCW 35A.12.140 for use and examination by the public. The City Clerk shall authenticate the statutes adopted by reference herein by signing the adopting ordinance and recording the adopting ordinance and statutes adopted by reference in full in the official ordinance book of the City of Gig Harbor.

Section vi). 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 7. Emergency Declared, Effective Date of Ordinance. Although GHMC Section 1.08.020 requires that an ordinance may not be adopted upon the first day of its introduction, adherence to the procedure in this instance will leave the City without an enforceable MTO for a period of time. The City Council therefore declares the existence of an

emergency necessitating a waiver of the ordinance adoption procedure, allowing this ordinance to be effective upon: (1) unanimous vote of the City Council; and (2) after five days have elapsed from the date of publication of the attached approved summary consisting of the title, or July 1, 1994, whichever is later.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 6/6/94

PASSED BY THE CITY COUNCIL: 6/13/94

PUBLISHED: 6/22/94

EFFECTIVE DATE: 6/27/94

SUMMARY OF ORDINANCE NO. 673
of the City of Gig Harbor, Washington

On the 13th day of June, 1994, the City Council of the City of Gig Harbor, passed Ordinance No. 673. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING SECTIONS 10.04.005 AND 10.04.010 OF THE GIG HARBOR MUNICIPAL CODE, IN ORDER TO READOPT THE WASHINGTON MODEL TRAFFIC ORDINANCE AS CONTAINED IN THE WASHINGTON ADMINISTRATIVE CODE, CHAPTER 308-330 WAC, AND INCORPORATING AND ADDING NEW SECTIONS AFFECTING THE TRAFFIC CODE THAT HAVE BEEN ADOPTED BY THE 1994 STATE LEGISLATURE; AND DECLARING THE EXISTENCE OF AN EMERGENCY NECESSITATING A WAIVER OF THE ORDINANCE ADOPTION PROCEDURE SET FORTH IN GHMC SECTION 1.08.020..

The full text of this Ordinance will be mailed upon request.

DATED this 14th day of June, 1994.

CITY ADMINISTRATOR, MARK HOPPEN