

**ORDINANCE NO. 1377**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S VEHICLE AND TRAFFIC CODE; ADDING A NEW CHAPTER 10.30 TO THE GIG HARBOR MUNICIPAL CODE RELATING TO UNLAWFUL PEDESTRIAN INTERACTION WITH OCCUPANTS OF VEHICLES ON CERTAIN PUBLIC ROADWAYS, REPEALING CHAPTER 9.40 OF THE GIG HARBOR MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the City is committed to improving traffic and pedestrian safety; and

WHEREAS, approximately twenty five percent of traffic collisions in the City occur in or near roundabouts and another nine percent occur near the intersection of Olympic Drive and Point Fosdick Drive; and

WHEREAS, roadways within the City require drivers to pay especially close attention to safely travel those roadways; and

WHEREAS, certain roadside activities are constitutionally protected and will be preserved while other activities create dangerous conditions at already dangerous roundabouts and roadways; and

WHEREAS, certain activities involving interaction between vehicle occupants and roadside pedestrians distract the vehicle operators and cause hazardous conditions that threaten the safety of motorists and pedestrians; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. A new chapter 10.30 is hereby added to the Gig Harbor Municipal Code as follows:

**CHAPTER 10.30  
PEDESTRIAN INTERACTION WITH OCCUPANTS OF VEHICLES  
ON CERTAIN PUBLIC ROADWAYS PROHIBITED**

- 10.30.010 Purpose.**
- 10.30.020 Definitions.**
- 10.30.030 Unlawful pedestrian interaction with occupants of vehicles on a prohibited roadway – Exceptions.**
- 10.30.040 Prohibited roadways designated.**
- 10.30.050 Violation – Penalty.**

#### **10.30.010 Purpose.**

Certain roadways or roadway types in Gig Harbor have statistically higher accident rates and require increased driver attention. The purpose of this section is to promote the City's fundamental interest in public peace, health, and safety, by regulating certain pedestrian interaction with occupants of vehicles that are being operated upon certain designated roadways which have been found to pose substantial risks to vehicular and pedestrian safety due to high volume traffic, limited or no parking, historical accident data, and/or other safety factors.

#### **10.30.020 Definitions.**

In this chapter:

- A. "Enter" means to cross the vertical plane of the edge of a prohibited roadway with any part of a person's body, any implement or device, or any extension thereof.
- B. "Interact" means actual physical contact or the giving or receiving of any item from one (1) person to another.
- C. "Overpass" means an elevated section of roadway which passes over another roadway.
- D. "Prohibited roadway" means any roadway designated in this chapter as being historically or inherently more associated with vehicle and/or pedestrian accidents or high traffic volumes or complicated roadways requiring full driver attention.
- E. "Roadway" has the meaning given that term in RCW 46.04.500, as currently adopted or as it may be amended in the future.
- F. "Roundabout" means is a circular intersection where drivers travel counterclockwise around a center island.
- G. "Vehicle" has the meaning given that term in RCW 46.04.670, as currently adopted or as it may be amended in the future

#### **10.30.030 Unlawful pedestrian interaction with occupants of vehicles on a prohibited roadway – Exceptions.**

- A. It shall be unlawful for any pedestrian to enter a prohibited roadway and interact with or to verbally engage an occupant of any operating vehicle.
- B. Exceptions. It is not a violation under this section if the person entering a prohibited roadway:
  - 1. Contacts a vehicle occupant when the vehicle is legally parked;
  - 2. Is summoning aid in an emergency; or
  - 3. Is a law enforcement officer in the performance of official duties.

**10.30.040 Prohibited roadways designated.**

A. Prohibited roadways within the City are designated as:

1. In or within 200 feet of any roundabout.
2. Within 500 feet of the intersection of Olympic Drive and Point Fosdick Drive.
3. Within 200 feet of an overpass.

**10.30.050 Violation - Penalty**

Any violation of any provision of this chapter shall be a misdemeanor, subject to the terms and conditions of Chapter 1.16 GHMC, General Penalty.

Section 2. Chapter 9.40 - Repealed. Chapter 9.40 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 4. 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 27 day of Nov., 2017.

CITY OF GIG HARBOR

  
Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
Angela G. Summerfield

FILED WITH THE CITY CLERK: 11/15/17  
PASSED BY THE CITY COUNCIL: 11/27/17  
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EFFECTIVE DATE: 12/5/17  
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