

ORDINANCE NO. 2335

AN ORDINANCE ADOPTING BY REFERENCE THE WASHINGTON MODEL TRAFFIC ORDINANCE (RCW CHAPTER 46.90) AND OTHER TRAFFIC STATUTES TO REGULATE TRAFFIC ON THE HIGHWAYS AND WAYS OPEN TO THE PUBLIC IN THE CITY OF KIRKLAND AND REPEALING PORTIONS OF CHAPTER 12 OF THE KIRKLAND MUNICIPAL CODE IN CONFLICT THEREWITH, EXCEPT AS SET FORTH HEREIN AS SPECIFICALLY BEING RETAINED.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. RCW Chapter 46.90 (Washington Model Traffic Ordinance), hereinafter referred to as MTO, is by this reference adopted as part of Chapter 12.60A of the Kirkland Municipal Code, providing that the following sections of RCW Chapter 46.90 are not adopted:

46.90.127	46.90.530
46.90.142	46.90.535
46.90.145	46.90.540
46.90.148	46.90.560
46.90.250	46.90.600
46.90.500	46.90.610
46.90.505	46.90.620
46.90.510	46.90.630
46.90.515	46.90.640
46.90.520	46.90.650
46.90.525	46.90.660
	46.90.710

And further provided that MTO 46.90.300 is hereby adopted by reference except for the following sections:

46.16.145
46.20.410
46.37.188
46.37.520
46.37.590
46.44.045
46.48.170

And further provided that MTO 46.90.427 is hereby adopted by reference except for the following sections:

46.61.510
46.61.515
46.61.525

Section 2. Adoption by reference. The following sections of Revised Code of Washington are hereby adopted by reference:

46.52.088
46.61.072
46.61.202
46.61.215
46.61.261
46.61.264
46.61.266
46.61.269
46.61.540
46.61.565
46.61.606
46.61.608
46.61.614
46.64.017

Section 3: Penalties. Any person who is convicted of violating or failing to comply with any provisions of this chapter shall be punished by fine not to exceed \$500.00, except for the offenses listed below which shall be punishable by a fine not to exceed \$500.00, or imprisonment in the Kirkland City Jail for not more than 180 days or both:

- RCW 46.20.342 Relating to driving while license suspended or revoked
- RCW 46.52.010 Relating to duty on striking unattended car or other property
- RCW 46.52.020 Relating to duty in case of injury to or death of person or damage to attended vehicle
- RCW 46.61.500 Relating to reckless driving
- RCW 46.61.506 Relating to persons under influence of intoxicating liquor or drugs
- RCW 46.61.530 Relating to racing of vehicles on highways--Reckless driving
- RCW 46.61.535 Relating to advertising of unlawful speed attained--Reckless driving

Section 4: Chapter 12 of the Kirkland Municipal Code, vehicles and traffic, with the exception of those portions which are immediately listed below as retained, are hereby repealed. The following sections shall be retained in full force and effect:

KMC 12.04.010
12.04.020
12.08.010
12.08.020
12.08.030
12.08.040
12.08.050
12.12.020
12.16.010
12.28.010
12.28.040
12.28.060
12.44, the chapter in total
12.48, the chapter in total
12.64, the chapter in total

Section 5. There is hereby added to Chapter 12 a new section, subtitled "Inattention."

12.28.020 Inattention. It is unlawful for any person to operate a motor vehicle in an inattentive manner over the highways of this city. For the purpose of this section, "inattentive" means the operations of a vehicle upon the public highways of this city in a lax or slack manner. The offense of operating a motor vehicle in an inattentive manner shall be considered to be a lesser offense than, but included in the offense of operating a vehicle in a negligent manner.

Section 6. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances shall not be affected.

Section 7. The City shall maintain at all times available for the use of the general public at the City Hall, 210 Main Street, Kirkland, Washington 98033, not less than three (3) copies of the Washington Model Traffic Ordinance, RCW Chapter 46.90, and the sections of the Revised Code of Washington herein adopted by referenced.

Section 8. This ordinance shall be in full force and effect five (5) days from and after its passage by the Kirk-


land City Council and publication as required by law.

PASSED by the Kirkland City Council in regular meeting on the 7th day of Feb. , 1977.

SIGNED IN AUTHENTICATION thereof on the 7th day of February, 1977.


MAYOR, pro tem

ATTEST:


Director of Administration and
Finance
(ex officio Clerk)

APPROVED AS TO FORM:


City Attorney