

ORDINANCE NO. 2762

AN ORDINANCE OF THE CITY OF KIRKLAND UPDATING THE MODEL TRAFFIC ORDINANCE AND RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Chapter 12.60 of the Kirkland Municipal Code, entitled MODEL TRAFFIC ORDINANCE, is hereby repealed.

Section 2. There is hereby created a new chapter to be known as Chapter 12.60, entitled MODEL TRAFFIC ORDINANCE, and to read as follows:

12.60:010 RCW Chapter 46.90 adopted--Exceptions:

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

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

Provided that 46.90.100 which incorporates 46.04.480 is adopted as amended by Section 13, Chapter 165, Laws of 1983.

B. MTO (RCW) 46.90.300 is adopted by reference except for the following sections:

46.16.145	46.37.188	46.37.590
46.20.410	46.37.520	46.48.170

Provided that 46.20.308 is adopted as amended by Section 1, Chapter 165, Laws of 1983 and 46.20.391 is adopted as amended by Section 23, Chapter 165, Laws of 1983.

C. MTO (RCW) 46.90.427 is adopted by reference except for the following section:

46.61.525

Amended By Ordinance No. 2787

Provided that 46.61.515 is adopted as amended by Chapter 150, Laws of 1983 and Section 21, Chapter 165, Laws of 1983, and further, provided that if any penalty prescribed therein is adjudged to exceed the maximum penalty authorized then, such penalty shall be the maximum penalty the City council has the power to impose.

12.60.020 Other laws adopted. The following laws of Washington are adopted by reference:

Sections 25, 27, 28, 33, 40 and 44, Chapter 165, Laws of 1983. For purposes of this ordinance "legislature" shall include the City council.

Section 3. KMC 12.04.030, entitled Serious Crimes designated, is hereby repealed.

Section 4. There is hereby created a new section to be known as KMC 12.04.030, entitled serious crimes designated, and to read as follows:

12.04.030 Serious Crimes designated. The following sections of Title 12 of this code are designated serious crimes (designation by other than KMC numbers refers to sections as incorporated by reference through KMC Chapter 12.60): RCW

46.20.336	46.52.020	46.61.022	46.61.530
46.20.342	46.52.090	46.61.500	46.64.020
46.20.420	46.61.015	46.61.502	46.64.048
46.52.010	46.61.020	46.61.504	

Section 5. 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 is not affected.

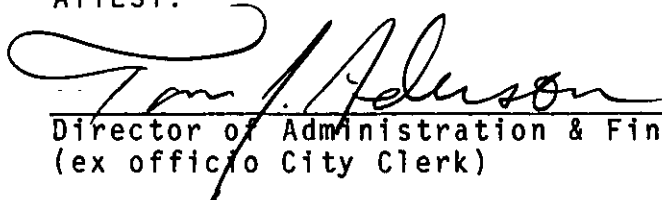
Section 6. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 6th day of September, 1983.

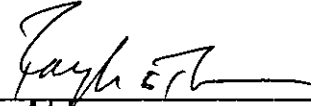
Signed in authentication thereof this 6th day of September, 1983.


MAYOR

ATTEST:

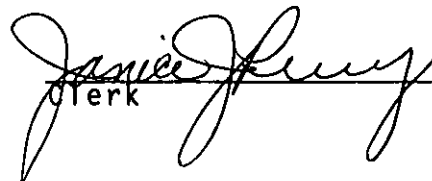

Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 8th day of September, 1983 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Clerk

O-2762