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/jeh
06/14/94

Model Traffic Ordinance

ORDINANCE NO. 1786

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, REGULATING TRAFFIC, AMENDING CHAPTER 10.10 OF THE REDMOND MUNICIPAL CODE ENTITLED "MODEL TRAFFIC ORDINANCE" BY ADOPTING BY REFERENCE PORTIONS OF THE WASHINGTON MODEL TRAFFIC ORDINANCE (MTO) AS CONTAINED IN CHAPTER 308-330 OF THE WASHINGTON ADMINISTRATIVE CODE, DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 1994.

WHEREAS, Chapter 10.10 of the Redmond Municipal Code adopts portions of Chapter 46.90 RCW, commonly known as the Model Traffic Ordinance (MTO), and

WHEREAS, the Washington State Legislature has provided that Chapter 46.90 RCW, will expire and be repealed on July 1, 1994, and

WHEREAS, the provisions of the Washington MTO have been readopted in the Washington Administrative Code in Chapter 308-330, which will become effective on July 1, 1994, and

WHEREAS, in order to ensure uninterrupted enforcement of the traffic laws of the state and the City, the City must adopt the new MTO and make the same effective as of July 1, 1994, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. ADOPTION OF MODEL TRAFFIC ORDINANCE BY

REFERENCE. Chapter 10.10 of the Redmond Municipal Code entitled

"Model Traffic Ordinance" is hereby amended to read as follows:

10.10.010 MODEL TRAFFIC ORDINANCE. Except as provided elsewhere in this Chapter, The Washington Model Traffic Ordinance, Chapter 308-330 WAC, and all state statutes adopted therein, including any future additions to, and amendments and repeals thereof, is hereby adopted by reference as the traffic ordinance of the City of Redmond as if set forth in full.

10.10.020 SECTIONS OF MODEL TRAFFIC ORDINANCE NOT ADOPTED. The following sections of the MTO, and any state statutes adopted therein by reference, are not adopted by reference and are expressly deleted from the Redmond Municipal Code:

WAC 308-330-250
WAC 308-330-322
WAC 308-330-500
WAC 308-330-505
WAC 308-330-510
WAC 308-330-515
WAC 308-330-520
WAC 308-330-525
WAC 308-330-530
WAC 308-330-535
WAC 308-330-540

10.10.030 SPECIFIC STATE STATUTES CONTAINED IN THE MODEL TRAFFIC ORDINANCE NOT ADOPTED. The following state statutes contained in the Model Traffic Ordinance are not adopted and are expressly deleted from the Redmond Municipal Code:

RCW 46.04.431, Definition of Highway, as adopted by WAC 308-330-100.

RCW 46.61.502, Driving Under the Influence of Intoxicants, RCW 46.61.504, Physical Control of a Motor Vehicle Under the Influence of

Intoxicants, and RCW 46.61.506, Penalties, as adopted by WAC 308-330-425.

10.10.035 STATE STATUTES NOT ADOPTED AS PART OF THE MODEL TRAFFIC ORDINANCE AS OF JULY 1, 1994 BUT TO BE INSERTED LATER.

The following state statutes, which have not been adopted as part of the Model Traffic Ordinance as of July 1, 1994, but which are anticipated to be so adopted at a later date, are not adopted by reference and are expressly deleted from the Redmond Municipal Code:

Sections 1, 4, 5, 6, 7, 9, 10, 11 and 26 of Chapter 275, Laws of 1994.

Notwithstanding the automatic amendment provisions of the Model Traffic Ordinance, adoption of the above-referenced sections of Chapter 275, Laws of 1994 and insertion of the same into the Model Traffic Ordinance by the Department of Licensing shall not result in adoption of those sections by the City of Redmond and the same shall remain deleted from the Redmond Municipal Code.

10.10.040 Definition of Highway. As used in this title, "highway," "road," and "street" are synonymous terms, unless otherwise clearly delineated, meaning the entire width between the boundary lines of every way, lane, road, street, boulevard, parking lot and every other way or place in the City whether publicly or privately maintained, when any part thereof is open at any time to the use of the public for the purposes of vehicular travel.

Section 2. COPIES OF MODEL TRAFFIC ORDINANCE AND STATUTES ADOPTED - DUTIES OF CITY CLERK. Pursuant to RCW 35A.12.140, copies of the Washington Model Traffic Ordinance, Chapter 308-330 WAC, and all state statutes adopted by reference in this ordinance, in the form in which they have been adopted, is

attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full. The City Clerk is hereby directed to authenticate and record said copies along with this ordinance and to maintain a copy thereof, together with any amendments or additions thereto, in the office of the City Clerk for use and examination by the public.

Section 3. SAVINGS CLAUSE. The amendments made by this ordinance do not affect any pending or existing litigation and do not operate as an abatement or bar to any action or proceeding pending under or by virtue of any other ordinance.

Section 4. SEVERABILITY CLAUSE. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect to validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. EFFECTIVE DATE/EMERGENCY PASSAGE. The City Council finds and declares that:

- A. Chapter 10.10 of the Redmond Municipal Code adopts Chapter 46.90 RCW, the Washington Model Traffic Ordinance.
- B. Chapter 46.90 RCW has been repealed by the state legislature effective July 1, 1994 and will expire as of that date.
- C. Unless the City of Redmond acts immediately to adopt Chapter 308-330 WAC, the new Model Traffic Ordinance, and to make the same effective July 1, 1994, the City will not have a valid traffic Code in effect on that date. Without such a valid

traffic code, the public health, safety, property, peace, and welfare will be severely endangered.

- D. The City's customary passage and publication procedures, which provide that ordinances shall become effective five days after publication of a summary thereof in the City's official newspaper, will not provide sufficient time for this ordinance to be passed, published and become effective by July 1, 1994. Following these customary procedures, this ordinance would become effective July 4, 1994, leaving the City without a valid traffic code for several days.
- E. The City Council therefore declares that an emergency exists which endangers the public health, safety, property, peace and welfare, and which requires that this ordinance become effective within a shorter time than would otherwise apply.
- F. In order to ensure uninterrupted enforcement of the City Traffic Code, this ordinance shall become effective at 12:00:01 a.m., July 1, 1994, or five (5) days after publication of an approved summary consisting of the title hereto, whichever comes first.

PASSED by at least a majority plus one of the whole membership of the City Council of the City of Redmond this 21st day of June, 1994.

CITY OF REDMOND



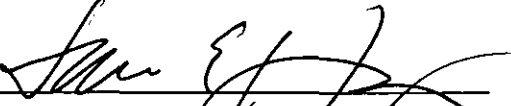
MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:



CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 1786

June 17, 1994
June 21, 1994
June 24, 1994
June 29, 1994
July 1, 1994

AUTHENTICATION AND DECLARATION OF CITY CLERK

I, DORIS A. SCHAIBLE, make the following voluntary statement based upon personal knowledge:

1. I am the duly appointed City Clerk of the City of Redmond, Washington.

2. On June 21, 1994, the Redmond City Council, by a unanimous vote of 7 to 0, passed Ordinance 1786, entitled:

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, REGULATING TRAFFIC, AMENDING CHAPTER 10.10 OF THE REDMOND MUNICIPAL CODE ENTITLED "MODEL TRAFFIC ORDINANCE" BY ADOPTING BY REFERENCE PORTIONS OF THE WASHINGTON MODEL TRAFFIC ORDINANCE (MTO) AS CONTAINED IN CHAPTER 308-330 OF THE WASHINGTON ADMINISTRATIVE CODE, DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 1994.

3. The attached document has been authenticated by me as Exhibit A to Ordinance 1786, containing all sections of the Washington Administrative Code and the Revised Code of Washington adopted in the ordinance, in the form in which they were adopted.

4. The executed original of Ordinance 1786 has been recorded in the official ordinance book of the City and this Exhibit has been recorded along with the ordinance in the Ordinance 1786 file in the City Clerk's office.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing statement is true and correct.

EXECUTED at Redmond, Washington this 27 day of June, 1994.

Doris A. Schaible
DORIS A. SCHAIBLE

EXHIBIT A

TO ORDINANCE 1786 HAS

BEEN AUTHENTICATED AND

RECORDED BY THE CITY CLERK

IN A SEPARATE ORDINANCE

1786 FILE IN ORDER

TO SAVE SPACE IN THE

ORDINANCE BOOK. TO

VIEW EXHIBIT A, PLEASE

ASK THE CLERK FOR THE

FILE.



ORIGINAL

THE CITY OF REDMOND
OFFICE OF THE PROSECUTING ATTORNEY

TO: City Clerk Ordinance Files
FROM: Christie Bonilla, Redmond Prosecuting Attorney *Christie Bonilla*
DATE: August 19, 1994
RE: Requirements for Adopting MTO; Redmond Ordinance #1786

The following is an outline of the requirements of RCW Chapter 35A.12 in adopting the Model Traffic Ordinance:

RCW 35A.12.160 Publication of Ordinance

"Promptly after adoption, the text of each ordinance or a summary of the content of each ordinance shall be published at least once in the city's official newspaper. The official Redmond paper is the Sammamish Valley News (Ord. 1651, effective 4/1/94). The MTO was adopted by the City Council on June 21, 1994, effective July 1, 1994. A summary was published in the SVN on June 29. (See attached).

RCW 35A.12.150 Authentication and Recording

"The City clerk shall authenticate by his signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the Council". See attached page from indexed book. The entry in this book was made by the Redmond City Clerk, Doris Schaible, on June 27, 1994.

RCW 35A.12.140 Adoption of Codes by Reference.

Statutes adopted by reference "need not be published in a newspaper as provided in RCW 35A.12.160, but the adopting statute, ordinance, or code, or portion thereof, with amendments or additions, if any, in the form in which it was adopted, shall be authenticated and recorded by the clerk along with the adopting ordinance". Not less than one copy of such statute in the form in which it was adopted, shall be filed in the office of the city clerk for use and examination by the public. The ordinance along with a copy of the Washington MTO, Ch. 308 - 330 WAC, effective July 1, 1994, was filed by Deputy City Clerk, Sandy Marion, in the vault of the city clerk's office.

**** THE ABOVE IS DATED LEGAL INFORMATION **
YOU MUST VERIFY THAT STATUTES AND ORDINANCES HAVE
NOT BEEN AMENDED PRIOR TO TAKING ANY SIMILAR ACTION**

FILE: Summary of Ordinance #1786

AFFIDAVIT OF PUBLICATION
STATE OF WASHINGTON
COUNTY OF KING

Pamela S. Carbiener, being duly sworn on oath, deposes and says that she is the Classified Ad Manager of the *Sammamish Valley News*, a weekly newspaper. That said newspaper is a legal newspaper and is now and has been for more than six months prior to the date of the publications hereinafter referred to published in the English language continually as a weekly newspaper in Redmond in said county, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication. The annexed is a true copy of a CITY OF REDMOND SUMMARY OF ORDINANCE, as was published in regular entire issues (and not in supplemental form of said newspaper once each week) for a period of one week, commencing and ending on June 29, 1994, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of 30.00, which amount has been paid in full at the rate of 5.00 per column inch for six column inches.

Pam Carbiener

(Classified Ad Manager)

Subscribed and sworn to me this 29th day of June, 1994.

Denis W. Law

Notary Public in and for the State of Washington, residing at Seattle, Washington

SUMMARY OF
ORDINANCE NO. 1786
CITY OF REDMOND,
WASHINGTON
On June 21, 1994, the
City Council of the City of
Redmond, Washington,
passed Ordinance No.
1786 which provides as
follows:
AN ORDINANCE OF THE
CITY OF REDMOND,
WASHINGTON, REGULATING
TRAFFIC, AMENDING
CHAPTER 10.10 OF THE
REDMOND MUNICIPAL CODE,
ENTITLED "MODEL TRAFFIC
ORDINANCE" BY ADOPTING
BY REFERENCE PORTIONS OF
THE WASHINGTON MODEL
TRAFFIC ORDINANCE (MTO) AS
CONTAINED IN CHAPTER 308-330
OF THE WASHINGTON ADMINISTRATIVE
CODE, DECLARING AN EMERGENCY,
AND ESTABLISHING AN EFFECTIVE
DATE OF JULY 1, 1994.
The full text of this ordinance will be mailed without charge to anyone who submits a written request to the City Clerk of the City of Redmond for a copy of the text.
APPROVED by the City Council at their meeting of June 21, 1994.
Doris A. Schaible
City Clerk
Published June 29, 1994,
in the *Sammamish Valley News*

