

ORDINANCE No. 112421

COUNCIL BILL No. 105040

Law Department

The City of

AN ORDINANCE relating to the Traffic Code; amending Seattle Municipal Code Subsections 11.16.240.G, 11.16.340.M, 11.23.040, 11.23.060, 11.23.290.D, 11.30.180.C, 11.60.592, 11.72.250, 11.72.320, 11.84.020.A, 11.23.380 and 11.23.400 to correct internal references contained therein.

Honorable President:

Your Committee on TRAFFIC

to which was referred the within Council report that we have considered the same

DO PASS

COMPTROLLER FILE No. _____

Introduced: <u>AUG 19 1985</u>	By: <u>City Attorney</u>
Referred: <u>AUG 19 1985</u>	To: <u>Transportation</u>
Referred:	To:
Referred:	To:
Reported: <u>SEP 3 1985</u>	Second Reading: <u>SEP 3 1985</u>
Third Reading: <u>SEP 3 1985</u>	Signed: <u>SEP 3 1985</u>
Presented to Mayor: <u>SEP 4 1985</u>	Approved: <u>SEP 9 1985</u>
Returned to City Clerk: <u>SEP 9 1985</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

REC'D OMB SEP 04 1985

OK

Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

8/28/85

President:

Committee on

TRANSPORTATION

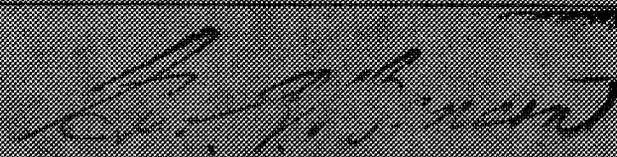
as referred the within Council Bill No.

105040

we have considered the same and respectfully recommend that the same:

DO PASS (2-0)

Vote 7-0



Committee Chair

ORDINANCE 112421

AN ORDINANCE relating to the Traffic Code; amending Seattle Municipal Code Subsections 11.16.240.G, 11.16.340.M, 11.23.040, 11.23.060, 11.23.290.D, 11.30.180.C, 11.60.592, 11.72.250, 11.72.320, 11.84.020.A, 11.23.380 and 11.23.400 to correct internal references contained therein.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection G of SMC Section 11.16.240, Section 2 (11.16.240) of Ordinance 108200, is amended as follows:

G. Review and make recommendations concerning all applications for all building permits except in single-family (~~RS and RD~~) (SF) and multi-family, lowrise 1 (L1) zones regarding facilitation of traffic with respect to new or existing driveways.

Section 2. Subsection M of SMC Section 11.16.340, Section 2(11.16.340) of Ordinance 108200, is amended as follows:

M. Order the placement at the ends of designated streets, alleys, bridges or elevated structures, signs setting forth specified maximum load limits allowed on such streets, alleys, bridges or elevated structures or notice of closure as conditions warrant as determined by the Board of Public Works under Section 11.16.120(H) ~~((S))~~;

Section 3. SMC Section 11.23.040, as last amended by Section 3 of Ordinance 112092, is further amended as follows:

11.23.040 Overlegal trucking operation.

If a permit is required by Sections 11.23.220, 11.23.250, or 11.23.290, ~~((or 11.23.300,))~~ such application shall contain a description of the object to be transported, or the vehicle, or vehicles, to be driven or used, the route desired to be traversed, the hours within which it is desired to perform the work, the means of locomotion to be used, and such other information as may be required.

1 11.60.592 Maximum gross weight-Penalty period.

2 For the purpose of computing the basic penalties and addi-
3 tional penalties to be imposed under the provisions of
4 Sections 11.60.583, 11.60.587 and 11.60.589, (~~11.34.060 and~~
5 ~~11.34.080~~) the findings shall be based on the same vehicle or
6 combination of vehicles within a twelve-month period under the
7 same ownership. (~~RCW 46.44.045(7)~~)

8 Section 8. Section 11.72.250, Section 2(11.72.250) of
9 Ordinance 108200, is amended as follows:

10 11.72.250 Municipal Property.

11 No person shall stop, stand or park a
12 vehicle in any garage, parking area or other
13 property operated by the City, where signs
14 prohibit or restrict such stopping, standing
15 or parking without lawful authority or per-
16 mission. Any motor vehicle so stopped,
17 standing or parked without such authority or
18 permission is a nuisance. Such nuisance may
19 be summarily abated by issuing a parking cita-
20 tion as provided in Section 11.31.030
21 (~~11.32.060~~) and/or by impounding in the same
22 manner as provided in Section 11.30.060. The
23 impounding of such a vehicle shall not prevent
24 or preclude the institution and prosecution of
25 charges in the municipal court or elsewhere
26 for violation of this subtitle.

27 Section 9. SMC Section 11.72.320, as last amended by
28 Section 2 of Ordinance 109545, is further amended as follows:

1 11.72.320 Planting Strip.

2 No person shall stop, stand or park a
3 vehicle on a planting strip unless the vehicle
4 bears a card or decal issued to RCW (~~46.16.380~~)
5 46.16.381 (~~and a street use permit which is~~
6 ~~issued pursuant to Section 15.07.010 authorizing~~
7 ~~such parking~~)).

8 Section 10. Subsection A of SMC 11.84.020, Section 2
9 (11.84.020) of Ordinance 108200, is amended as follows:

10 A. Service Brakes--Adequacy. Every such
11 vehicle and combination of vehicles, except
12 special mobile equipment as defined in Section
13 11.14.585 (~~11.44.845~~), shall be equipped
14 with service brakes complying with the perfor-
15 mance requirements of Section 11.84.040 and

1 Section 4. SMC Section 11.23.060, as last amended by
2 Section 4 of Ordinance 112092, is further amended as follows:

3 11.23.060 Conditions of trucking permits.

4 The Traffic Engineer shall specify in
5 permits issued pursuant to Sections
6 11.23.220, 11.23.250, (~~11.23.280~~), or
7 11.23.290 (~~(, or 11.23.300)~~) of this subtitle,
8 the routes to be traversed and the hours
9 during which the operation may be undertaken,
10 in accordance with the provisions of this
11 subtitle.

12 Section 5. Subsection D of SMC Section 11.23.290, Section
13 19 of Ordinance 112092, is amended as follows:

14 D. The fees levied in (~~Section 11.60.588 and~~)
15 this section shall not apply to any vehicles
16 owned and operated by the State of Washington,
17 any county within the state, or any city or
18 town or metropolitan municipal corporation
19 within the state, or by the federal government.

20 Section 6. Subsection C of SMC Section 11.30.180, as last
21 amended by Section 1 of Ordinance 109031, is further amended
22 as follows:

23 C. No impoundment fee and/or towing or
24 storage charges shall be assessed against the
25 owner of a vehicle which is being held for
26 investigatory purposes pursuant to Section
27 11.30.040.A.6 (~~(F)~~) and which is redeemed
28 within ninety-six hours after the Police
Department shall have notified the owner of
the release of such vehicle in writing in the
manner provided in Section 11.30.100C: pro-
vided that such owner or person authorized to
obtain possession of such impounded vehicle
shall pay any charges assessed for storage
after such ninety-six-hour period; provided
further, that if the registered owner or the
driver authorized by the registered owner is
arrested or charged with a crime in connection
with the incident leading to impoundment, the
owner is not exempted from towing or storage
charges.

Section 7. SMC Section 11.60.592, as last amended by
Section 3 of Ordinance 109476, is further amended as follows:

1 adequate to control the movement of and to
2 stop and hold such vehicle under all con-
3 ditions of loading, and on any grade incident
4 to its operation.

5 Section 11. SMC Section 11.23.380 as last amended by
6 Section 3 (part) of Ordinance 109476, is further amended as
7 follows:

8 11.23.380 Disabled person's parking card.

9 A person who has received a current and
10 valid special disabled person's card, decal or
11 license plate from the Washington State
12 Department of Licensing under RCW (~~46.16.380~~)
13 46.16.381 shall be allowed to park a vehicle
14 being used to transport such person in parking
15 meter spaces free of charge and for unlimited
16 periods of time in parking zones or areas which
17 are otherwise restricted as to the length of
18 time parking is permitted. This section shall
19 have no application to those zones or areas in
20 which the stopping, parking, or standing of all
21 vehicles is prohibited or which are reserved for
22 special types of vehicles. Such person shall
23 not be permitted the foregoing privilege unless
24 he obtains and displays a distinguishing card,
25 decal, or license plate issued pursuant to RCW
26 (~~46.16.380~~) 46.16.381.

27 Section 12. SMC Section 11.23.400, as last amended by
28 Section 3 (part) of Ordinance 109476, is further amended as
29 follows:

30 11.23.400 Disabled parking--Location--Enforcement.

31 The unauthorized use of a disabled person's
32 card, decal or license plate issued by the
33 Washington State Department of Licensing
34 under RCW (~~46.16.380~~) 46.16.381 is a
35 traffic infraction. Any peace officer or
36 parking checker finding any unauthorized
37 use of such card, decal or license plate
38 shall issue and affix a notice indicating
39 the unauthorized uses thereof in the form
40 in the manner required by Section 11.31.030.

(To be used for all Ordinances except Emergency.)

Section 13... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 3rd day of September, 1985, and signed by me in open session in authentication of its passage this 3rd day of September, 1985.

[Handwritten Signature]
President of the City Council.

Approved by me this 9th day of September, 1985.

[Handwritten Signature]
Mayor.

Filed by me this 9th day of September, 1985.

[Handwritten Signature]

Attest: City Comptroller and City Clerk.

(SEAL)

Published

By *[Handwritten Signature]*
Deputy Clerk.

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

August 14, 1985

The Honorable Paul Kraabel, Chair
Public Safety Committee
City Council
The City of Seattle

Re: Proposed Amendments to the Traffic
and Criminal Code

Dear Councilmember Kraabel:

We have attached for your consideration a series of proposed amendments to the Traffic and Criminal Codes. One of the two proposed amendments to the Traffic Code is a general housekeeping ordinance correcting internal references contained therein. The second traffic ordinance, if adopted would:

1. Amend the DWI ordinance to comply with recently enacted state law;
2. Amend SMC 11.31.010 and 11.34.010 to clarify and further distinguish infractions and violations;
3. Adopt an amendment imposing duties on the last known driver of a vehicle involved in a traffic accident; and
4. Repeal 11.56.310 to repeal redundant language.

If adopted, the proposed amendments to the criminal code would

1. Repeal SMC 12A.08.110, Unauthorized use of a Motor Vehicle, 12A.08.060, Extortion, and 12A.06.060 Unlawful Imprisonment, since they conflict with state law;
2. Repeal all ordinances relating to gun control, as provided by state law;

The Honorable Paul Kraabel
August 14, 1985
Page two

3. Amend 12A.16.060, Unlawful Interference With a Police Dog to eliminate provisions conflicting with state law;
4. Amend the present Lewd Conduct ordinance to eliminate sections previously declared unconstitutional; and
5. Amend 12A.02.110, to give Municipal Court Judges greater latitude to punish for contempt.

The second proposed amendment to the Criminal Code would adopt recently enacted state legislation concerning domestic violence.

If you have questions regarding any of the above proposed amendments, please contact the undersigned assistant at 625-2050.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney



By
MARILYN F. SHERRON
Assistant

MFS:lp

attachments

cc: Patrick Fitzsimons, Chief
Seattle Police Department
Esther Bauman, Court Administrator
Seattle Municipal Court
Norma Smith, Presiding Judge
Seattle Municipal Court

City of Seattle
ORDINANCE 11201

AN ORDINANCE relating to the Traffic Code; amending Seattle Municipal Code Subsections 11.16.740.G, 11.16.340.M, 11.23.040, 11.23.060, 11.23.290.D, 11.30.180.C, 11.60.582, 11.72.250, 11.72.320, 11.84.020.A, 11.23.380 and 11.23.400 to correct internal references contained therein.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection G of SMC Section 11.16.340,

Section 2 (11.16.340) of Ordinance 108200, is amended as follows:

G. Review and make recommendations concerning all applications for all building permits except in single-family ((~~44~~ and ~~44~~)) (SF) and multi-family, lowrise 1 (H) zones regarding facilitation of traffic with respect to new or existing driveways.

Section 2. Subsection M of SMC Section 11.16.340, Section 2(11.16.340) of Ordinance 108200, is amended as follows:

M. Order the placement at the ends of designated streets, alleys, bridges or elevated structures, signs setting forth specified maximum load limits allowed on such streets, alleys, bridges or elevated structures or notice of closure as conditions warrant as determined by the Board of Public Works under Section 11.16.120(H) ((~~4~~)).

Section 3. SMC Section 11.23.040, as last amended by Section 3 of Ordinance 112092, is further amended as follows:

11.23.040 Overlegal trucking operation.

If a permit is required by Sections 11.23.220, 11.23.250, or 11.23.280, ((~~44~~ ~~23~~ ~~340~~)) such application shall contain a description of the object to be transported, or the vehicle, or vehicles, to be driven or used, the route desired to be traversed, the hours within which it is desired to perform the work, the means of locomotion to be used, and such other information as may be required.

Section 4. SMC Section 11.23.060, as last amended by Section 4 of Ordinance 112092, is further amended as follows:

11.23.060 Conditions of trucking permits.

The Traffic Engineer shall specify in permits issued pursuant to Sections 11.23.220, 11.23.250, ((~~44~~ ~~23~~ ~~340~~)), or 11.23.280 ((, ~~as~~ ~~11~~ ~~23~~ ~~340~~)) of this subtitle, the routes to be traversed and the hours during which the operation may be undertaken, in accordance with the provisions of this subtitle.

Section 5. Subsection D of SMC Section 11.23.290, Section 19 of Ordinance 112092, is amended as follows:

D. The fees levied in ((~~Section 11.60.582 and~~)) this section shall not apply to any vehicles owned and operated by the State of Washington, any county within the state, or any city or town or metropolitan municipal corporation within the state, or by the federal government.

Section 6. Subsection C of SMC Section 11.30.180, as last amended by Section 1 of Ordinance 109031, is further amended as follows:

C. No impoundment fee and/or towing or storage charges shall be assessed against the owner of a vehicle which is being held for investigatory purposes pursuant to Section 11.30.040.A.5 ((~~F~~)) and which is redeemed within ninety-six hours after the Police Department shall have notified the owner of the release of such vehicle in writing in the manner provided in Section 11.30.100C; provided that such owner or person authorized to obtain possession of such impounded vehicle shall pay any charges assessed for storage after such ninety-six-hour period; provided further, that if the registered owner or the driver authorized by the registered owner is arrested or charged with a crime in connection with the incident leading to impoundment, the

Section 7. SMC Section 11.60.582, as last amended by Section 3 of Ordinance 109476, is further amended as follows:

11.60.582 Maximum gross weight-Penalty period.

For the purpose of computing the basic penalties and additional penalties to be imposed under the provisions of Sections 11.60.583, 11.60.587 and 11.60.588, ((11.44.040 and 11.44.090)) the findings shall be based on the same vehicle or combination of vehicles within a twelve-month period under the same ownership. ((RCW 46.44.040((1)))).

Section 8. Section 11.72.250, Section 2(11.72.250) of Ordinance 108200, is amended as follows:

11.72.250 Municipal Property.

No person shall stop, stand or park a vehicle in any garage, parking area or other property operated by the City, where signs prohibit or restrict such stopping, standing or parking without lawful authority or permission. Any motor vehicle so stopped, standing or parked without such authority or permission is a nuisance. Such nuisance may be summarily abated by issuing a parking citation as provided in Section 11.21.030 ((11.44.040)) and/or by impounding in the same manner as provided in Section 11.30.060. The impounding of such a vehicle shall not prevent or preclude the institution and prosecution of charges in the municipal court or elsewhere for violation of this subtitle.

Section 9. SMC Section 11.72.320, as last amended by Section 2 of Ordinance 109545, is further amended as follows:

11.72.320 Planting Strip.

No person shall stop, stand or park a vehicle on a planting strip unless the vehicle bears a card or decal issued to RCW ((46.46.380)) 46.46.381 ((and a street use permit which is issued pursuant to Section 15.07.010 authorizing such parking)).

Section 10. Subsection A of SMC 11.84.020, Section 2 (11.84.020) of Ordinance 108200, is amended as follows:

A. Service Brakes--Adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in Section 11.14.505 ((11.44.440)), shall be equipped with service brakes complying with the performance requirements of Section 11.84.040 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

Section 11. SMC Section 11.23.380 as last amended by Section 3 (part) of Ordinance 109476, is further amended as follows:

11.23.380 Disabled person's parking card.

A person who has received a current and valid special disabled person's card, decal or license plate from the Washington State Department of Licensing under RCW ((46.46.340)) 46.46.381 shall be allowed to park a vehicle being used to transport such person in parking meter spaces free of charge and for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such person shall not be permitted the foregoing privilege unless he obtains and displays a distinguishing card, decal, or license plate issued pursuant to RCW ((46.46.340)) 46.46.381.

Section 12. SMC Section 11.23.400, as last amended by Section 3 (part) of Ordinance 109476, is further amended as follows:

11.23.400 Disabled parking--Location--Enforc. cnt.

The unauthorized use of a disabled person's card, decal or license plate issued by the Washington State Department of Licensing under RCW ((46.46.340)) 46.46.381 is a traffic infraction. Any peace officer or parking checker finding any unauthorized use of such card, decal or license plate shall issue and affix a notice indicating the unauthorized uses thereof in the form in the manner required by Section 11.21.030.

Section 13. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 3rd day of September, 1985, and signed by me in open session in authentication of its passage this 3rd day of September, 1985.

NORMAN B. RICE,
President of the City Council.

Approved by me this 8th day of September, 1985.

C-733-X

Affidavit of Publication

Date of this publication
in the State of Washington

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a
Ordinance No. 112421

was published on
September 10, 1985

Vick Rain

Subscribed and sworn to before me on

September 10, 1985

Dustin A. Jones

Notary Public for the State of Washington,
residing in Seattle.