

28
2-25-86

ORDINANCE No. 112959

Law Department

224

COUNCIL BILL No. 105511

W

The City of

AN ORDINANCE relating to the Traffic Code, amending Section 11.56.020.

6/10/86
6/24/86

Hold Two Weeks
Do PASS

Honorable President:

Your Committee on Public

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

Do PASS

6-30-86 Held until

Vote

REC'D CH. JUL 22 1986

OK

COMPTROLLER FILE No. _____

| | |
|-------------------------------------|-----------------------------|
| Introduced: MAY 12 1986 | By: City Attorney |
| Referred: MAY 12 1986 | To: [Signature] |
| Referred: 5-20-86 | To: [Signature] |
| Referred: 6-30-86 | To: [Signature] |
| Reported: JUL 21 1986 | Second Reading: JUL 21 1986 |
| Third Reading: JUL 21 1986 | Signed: JUL 21 1986 |
| Presented to Mayor: JUL 22 1986 | Approved: JUL 31 1986 |
| Returned to City Clerk: JUL 31 1986 | Published: |
| Vetted by Mayor: | Veto Published: |
| Passed over Veto: | Veto Sustained: |

Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on Public Safety

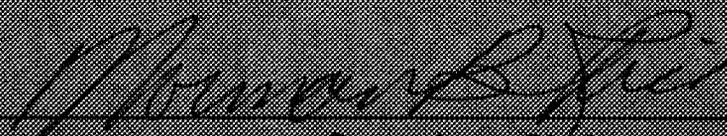
was referred the within Council Bill No. 105511

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

DO PASS

7076 held until July 31, 1986.

Vote 6-0



Committee Chair

105511
#1

ORDINANCE 112959

AN ORDINANCE relating to the Traffic Code, amending Section 11.56.020.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.56.020 of the Seattle Municipal Code, as last amended by Section 1 of Ordinance 112466 is further amended as follows:

11.56.020 Persons under the influence of intoxicating liquor or any drug - chemical analysis - tests, evidence and penalties.

A.1. A person is guilty of driving while under the influence of intoxicating liquor or any drug if he/she drives a vehicle within the City while:

a. He/she has 0.10 ((percent or more by weight of alcohol in his blood)) grams or more of alcohol per two hundred ten liters of breath, as shown by ((chemical)) analysis of his/her breath, blood, or other bodily substance made under the provisions of this section; or

b. He/she is under the influence of or affected by intoxicating liquor or any drug; or

c. He/she is under the combined influence of or affected by intoxicating liquor or any drug.

2. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection.

1 B.1. A person is guilty of being in actual physical
2 control of a motor vehicle while under the influence of
3 intoxicating liquor or an drug if he/she has actual physical
4 control of a vehicle within the City while:

5 a. He/she has 0.10 grams or more of alcohol
6 per two hundred ten liters of breath, ((percent or
7 more by weight of alcohol in his/her blood)) as shown
8 by ((~~chemical~~)) analysis of ((~~this~~)) his/her breath,
9 blood, or other bodily substance made under the pro-
10 visions of this section; or

11 b. He/she is under the influence of or
12 affected by intoxicating liquor or any drug; or

13 c. He/she is under the combined influence of
14 or affected by intoxicating liquor and drug.

15 2. The fact that any person charged with a violation of
16 this subsection is or has been entitled to use such drug under
17 the laws of this state shall not constitute a defense against
18 any charge of violating this subsection. No person may be
19 convicted under this subsection if, prior to being pursued by
20 a law enforcement officer, he/she has moved the vehicle safely
21 off the roadway.

22 C. Any person who operates a motor vehicle within the
23 City is deemed to have given consent, subject to the provi-
24 sions of this section, to a ((~~chemical~~)) test or tests of his
25 or her breath or blood for the purpose of determining the
26 alcoholic content of his or her breath or blood if arrested
27 for any offense where, at the time of the arrest, the arrest-
28 ing officer has reasonable grounds to believe the person had
been driving or was in actual physical control of a motor

1 vehicle while under the influence of intoxicating liquor. The
2 test or tests of breath shall be administered at the direction
3 of a law enforcement officer having reasonable grounds to
4 believe the person to have been driving or in actual physical
5 control of a motor vehicle within the City while under the
6 influence of intoxicating liquor. However, in those instan-
7 ces where: (1) The person is incapable due to physical
8 injury, physical incapacity, or other physical limitation, of
9 providing a breath sample; or (2) as a result of a traffic
10 accident the person is being treated for a medical condition
11 in a hospital, clinic, doctor's office, or other similar
12 facility in which a breath testing instrument is not present,
13 a blood test shall be administered by a qualified person as
14 provided in RCW 46.61.506(4).

15 The officer shall inform the person of his/her right to refuse
16 the breath or blood test, and of his/her right to have addi-
17 tional tests administered by any qualified person of his/her
18 choosing as provided elsewhere in this section. The officer
19 shall warn the driver that his/her privilege to drive will be
20 revoked or denied if he/she refuses to submit to the test.
21 The officer shall warn the driver that his or her refusal to
22 take the test may be used ((against him/her)) in ((any)) a
23 ((subsequent)) criminal trial. Except as provided in this
24 section, the ((Unless the person to be tested is unconscious,
25 the chemical)) test administered shall be of the breath only.
26 If an individual is unconscious or is under arrest for the
27 crime of vehicular homicide as provided in RCW 46.61.520, or
28 vehicular assault as provided in RCW 46.61.522, or if an indi-
vidual is under arrest for the crime of driving while under

1 the influence of intoxicating liquor or drugs as provided in
2 this section, which arrest results from an accident in which
3 another person has been injured and there is a reasonable
4 likelihood that such other person may die as a result of inju-
5 ries sustained in the accident, a breath or blood test may be
6 administered without the consent of the individual so
7 arrested. ((In such circumstances, the provisions of
8 subsections D and E of this section shall not apply.))

9 D. Any person who is dead, unconscious, or who is other-
10 wise in a condition rendering him/her incapable of refusal,
11 shall be deemed not to have withdrawn the consent provided by
12 subsection C of this section and the test or tests may be
13 administered, subject to the provisions hereof, and the person
14 shall be deemed to have received the warnings required under
15 subsection C of this Section.

16 E. If, following his/her arrest and receipt of warnings
17 under subsection C of this section, the person arrested refu-
18 ses upon the request of a law enforcement officer to submit to
19 a ((chemical)) test of his/her breath or blood, ((after being
20 informed that his/her refusal will result in the revocation or
21 denial of his/her privilege to drive,)) no test shall be given
22 except as authorized under subsection C or D of this section.
23 The law enforcement officer shall forward to the Department of
24 Licensing a sworn report that he/she has reasonable grounds to
25 believe that the arrested person had been driving or was in
26 actual physical control of a motor vehicle within the City
27 under the influence of intoxicating liquor and that the person
28 had refused to submit to the test upon the request of the law
enforcement officer after being informed that such refusal
would result in the revocation or denial of his/her privilege
to drive.

1 F. Upon the trial of any civil or criminal action or
2 proceeding arising out of acts alleged to have been committed
3 by any person while driving or in actual physical control of a
4 vehicle while under the influence of intoxicating liquor or
5 any drug, if the amount of alcohol in the person's blood or
6 breath at the time alleged as shown by (~~chemical~~) analysis
7 of his/her blood, breath or other bodily substance is less
8 than 0.10 grams of alcohol per two hundred ten liters of the
9 person's breath, (~~percent by weight of alcohol in the per-~~
10 ~~son's blood~~), it is evidence that may be considered with
11 other competent evidence in determining whether the person was
12 under the influence of intoxicating liquor or any drug.

13 ((Percent by weight of alcohol in the blood shall be based
14 upon milligrams of alcohol per one hundred cubic centimeters
15 of blood.)) The breath analysis shall be based upon grams of
16 alcohol per two hundred ten liters of breath. The foregoing
17 provisions of this subsection shall not be construed as limit-
18 ing the introduction of any other competent evidence bearing
19 upon the question whether the person was under the influence
20 of intoxicating liquor or any drug.

21 G. (~~Chemical~~) Analysis of the person's blood or breath
22 to be considered valid under the provisions of this section
23 shall have been performed according to methods approved by the
24 State Toxicologist and by an individual possessing a valid
25 permit issued by the State Toxicologist for this purpose.

26 H. When a blood test is administered in accordance with
27 this section, the withdrawal of blood for the purpose of
28 determining its alcoholic content may be performed only by a
physician, a registered nurse, or a qualified technician.
This limitation shall not apply to the taking of breath
specimens.

1 I. The person tested may have a physician or a qualified
2 technician, chemist, registered nurse or other qualified per-
3 son of his or her own choosing administer ((a ~~chemical test~~)
4 er)) one or more tests in addition to any administered at the
5 direction of a law enforcement officer. The failure or
6 inability to obtain an additional test by a person shall not
7 preclude the admission of evidence relating to the test or
8 tests taken at the direction of a law enforcement officer.

9 J. Upon the request of the person who shall submit to a
10 ((~~chemical~~)) test or tests at the request of a law enforcement
11 officer, full information concerning this test or tests shall
12 be made available to him/her or his/her attorney.

13 K. Penalty.

14 1. Every person who is convicted of a violation of
15 the provisions of this section shall be punished by imprison-
16 ment for not less than twenty-four consecutive hours nor more
17 than one year, and by a fine of not less than Two Hundred and
18 Fifty Dollars (\$250.00) and not more than One Thousand Dollars
19 (\$1,000.00). Unless the judge finds the person to be indi-
20 gent, Two Hundred Fifty Dollars (\$250.00) of the fine shall
21 not be suspended or deferred. The person shall, in addition,
22 be required to complete a course at an alcohol information
23 school approved by the Department of Social and Health
24 Services. If, after completing an alcohol evaluation at the
25 alcohol information school, the convicted person is found to
26 have a serious alcohol problem, the alcohol information school
27 may recommend more intensive alcoholism treatment in a program
28 approved by the Washington State Department of Social and
Health Services. In the alternative, the court may bypass
alcohol information school if the court determines that more

1 intensive alcoholism treatment in a program approved by the
2 Department of Social and Health Services is appropriate.
3 Twenty-four consecutive hours of the jail sentence shall not
4 be suspended or deferred unless the judge finds that the
5 imposition of the jail sentence will pose a risk to the defen-
6 dant's physical or mental well-being. Whenever the mandatory
7 jail sentence is suspended or deferred, the judge must state,
8 in writing, the reason for granting the suspension or deferral
9 and the facts upon which the suspension or deferral is based.
10 The court may impose conditions of probation that may include
11 nonrepetition of the offense, alcohol or drug treatment,
12 supervised probation, or other conditions which may be
13 appropriate.

14 2. Upon a second or subsequent conviction for a viola-
15 tion of the provisions of this section within a five-year
16 period, a person shall be punished by imprisonment for not
17 less than seven days nor more than one year and by a fine of
18 not less than Five Hundred Dollars (\$500.00) and not more than
19 Two Thousand Dollars (\$2,000.00). Unless the judge finds the
20 person to be indigent, Five Hundred Dollars (\$500.00) of the
21 fine shall not be suspended or deferred. The jail sentence
22 shall not be suspended or deferred unless the judge finds that
23 the imposition of a jail sentence will pose a risk to the
24 defendant's physical or mental well-being. Whenever the man-
25 datory jail sentence is suspended or deferred, the judge must
26 state, in writing, the reason for granting the suspension or
27 deferral and the facts upon which the suspension or deferral
28 is based. If, at the time of a second or subsequent convic-
tion, the driver is without a license or permit because of a

1 previous suspension or revocation, the minimum mandatory
2 sentence shall be ninety days in jail and a Two Hundred Dollar
3 (\$200.00) fine. The penalty so imposed shall not be suspended
4 or deferred. The person shall, in addition, be required to
5 complete diagnostic evaluation at an alcoholism program
6 approved by the Washington State Department of Social and
7 Health Services or other diagnostic evaluation as the court
8 designates. If the person is found to have an alcohol or drug
9 problem requiring treatment, the person shall complete treat-
10 ment at an approved alcoholism treatment facility or approved
11 drug treatment center.

12 ((3.)) In addition to any non-suspendable and non-deferrable
13 jail sentence required by the preceding paragraph relating to
14 a second or subsequent conviction, the court shall sentence a
15 person to a term of imprisonment not exceeding one hundred and
16 eighty days and shall suspend but shall not defer the sentence
17 for a period exceeding one year.

18 ((4.)) The suspension of the sentence may be conditioned upon
19 nonrepetition, alcohol or drug treatment, supervised proba-
20 tion, or other conditions that may be appropriate. The
21 sentence may be imposed in whole or in part upon violation of
22 a condition of suspension during the suspension period.

23 L. The refusal of a person to submit to a test of the
24 alcoholic content of his blood under Seattle Municipal Code
25 Section 11.56.020 C is admissible into evidence at a subse-
26 quent criminal trial ((without any comment)).
27
28

(To be used for all Ordinances except Emergency.)

Section 2. 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 21 day of July, 1986,
and signed by me in open session in authentication of its passage this 21 day of July, 1986.
Jim Stueck
President Pro Tem of the City Council.

Approved by me this 31 day of July, 1986.
Quentin Wynn
Mayor.

Filed by me this 31 day of July, 1986.

Attest: *Norward J. Brooks*
City Comptroller and City Clerk.

(SEAL)

Published _____

By *Margaret Carter*
Deputy Clerk.

PUBLISH DO NOT PUBLISH

CITY ATTORNEY _____

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

May 5, 1986

105511
#1

The Honorable Norm Rice
Chairperson, Public Safety Committee
Seattle City Council
Municipal Building
Seattle, WA 98104

Re: Amendments to Seattle's
DWI Ordinance

Dear Councilmember Rice:

The enclosed proposed ordinance amends Seattle's Driving While Intoxicated law, adopting changes to the state law enacted by the 1986 legislature. The amendments do three things:

1. Change the definition of the offense from a blood-alcohol measurement to a breath-alcohol measurement.
2. Remove references to chemical tests and to single breath tests, to clarify that the law applies to the state's new breath-testing device, the BAC Verifier Datamaster.
3. Modifies the implied consent warnings given to suspected intoxicated drivers.

The state law becomes effective June 11, 1986, so prompt consideration of this ordinance is requested.

I am available to answer any questions the Council may have.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By

Douglas B. Whalley
DOUGLAS B. WHALLEY
Director
Criminal Division

DBW:jg

cc: file

City of Seattle

ORDINANCE 112289

AN ORDINANCE relating to the Traffic Code, amending Section 11.56.020.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.56.020 of the Seattle Municipal Code, as last amended by Section 1 of Ordinance 112466 is further amended as follows:

11.56.020 Persons under the influence of intoxicating liquor or any drug - chemical analysis - tests, evidence and penalties.

A.1. A person is guilty of driving while under the influence of intoxicating liquor or any drug if he/she drives a vehicle within the City while:

a. He/she has 0.10 ((percent or more by weight of alcohol in his blood)) grams or more of alcohol per two hundred ten liters of breath, as shown by ((chemical)) analysis of his/her breath, blood, or other bodily substance made under the provisions of this section; or

b. He/she is under the influence of or affected by intoxicating liquor or any drug; or

c. He/she is under the combined influence of or affected by intoxicating liquor or any drug.

2. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection.

B.1. A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or an drug if he/she has actual physical control of a vehicle within the City while:

a. He/she has 0.10 grams or more of alcohol per two hundred ten liters of breath, ((percent or more by weight of alcohol in his/her blood)) as shown by ((chemical)) analysis of ((this)) his/her breath, blood, or other bodily substance made under the provisions of this section; or

b. He/she is under the influence of or affected by intoxicating liquor or any drug; or

c. He/she is under the combined influence of or affected by intoxicating liquor and drug.

2. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection. No person may be convicted under this subsection if, prior to being pursued by a law enforcement officer, he/she has moved the vehicle safely off the roadway.

C. Any person who operates a motor vehicle within the City is deemed to have given consent, subject to the provisions of this section, to a ((chemical)) test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within the City while under the influence of intoxicating liquor. However, in those instances where: (1) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (2) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar

facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4).

The officer shall inform the person of his/her right to refuse the breath or blood test, and of his/her right to have additional tests administered by any qualified person of his/her choosing as provided elsewhere in this section. The officer shall warn the driver that his/her privilege to drive will be revoked or denied if he/she refuses to submit to the test. The officer shall warn the driver that his or her refusal to take the test may be used ((against him/her)) in ((any)) a ((subsequent)) criminal trial. Except as provided in this Section, the ((unless the person to be tested is unconscious, the chemical)) test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520, or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in this section, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested. ((In such circumstances, the provisions of subsections D and E of this section shall not apply.))

D. Any person who is dead, unconscious, or who is otherwise in a condition rendering him/her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection C of this section and the test or tests may be administered, subject to the provisions hereof, and the person shall be deemed to have received the warnings required under subsection C of this Section.

E. If, following his/her arrest and receipt of warnings under subsection C of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a ((chemical)) test of his/her breath or blood, ((after being informed that his/her refusal will result in the revocation or denial of his/her privilege to drive;)) no test shall be given except as authorized under subsection C or D of this section. The law enforcement officer shall forward to the Department of Licensing a sworn report that he/she has reasonable grounds to believe that the arrested person had been driving or was in actual physical control of a motor vehicle within the City under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his/her privilege to drive.

F. Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood or breath at the time alleged as shown by ((chemical)) analysis of his/her blood, breath or other bodily substance is less than 0.10 grams of alcohol per two hundred ten liters of the person's breath, ((percent by weight of alcohol in the person's blood)), it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug. ((Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.)) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing

upon the question whether the person was under the influence of intoxicating liquor or any drug.

G. ((Chemical)) Analysis of the person's blood or breath to be considered valid under the provisions of this section shall have been performed according to methods approved by the State Toxicologist and by an individual possessing a valid permit issued by the State Toxicologist for this purpose.

H. When a blood test is administered in accordance with this section, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath

I. The person tested may have a physician or a qualified technician, chemist, registered nurse or other qualified person of his or her own choosing administer ((a chemical test or)) one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

J. Upon the request of the person who shall submit to a ((chemical)) test or tests at the request of a law enforcement officer, full information concerning this test or tests shall be made available to him/her or his/her attorney.

K. Penalty.

1. Every person who is convicted of a violation of the provisions of this section shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00). Unless the judge finds the person to be indigent, Two Hundred Fifty Dollars (\$250.00) of the fine shall not be suspended or deferred. The person shall, in addition, be required to complete a course at an alcohol information school approved by the Department of Social and Health Services. If, after completing an alcohol evaluation at the alcohol information school, the convicted person is found to have a serious alcohol problem, the alcohol information school may recommend more intensive alcoholism treatment in a program approved by the Washington State Department of Social and Health Services. In the alternative, the court may bypass alcohol information school if the court determines that more intensive alcoholism treatment in a program approved by the Department of Social and Health Services is appropriate.

Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonrepetition of the offense, alcohol or drug treatment, supervised probation, or other conditions which may be appropriate.

2. Upon a second or subsequent conviction for a violation of the provisions of this section within a five-year period, a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not less than Five Hundred Dollars (\$500.00) and not more than Two Thousand Dollars (\$2,000.00). Unless the judge finds the person to be indigent, Five Hundred Dollars (\$500.00) of the fine shall not be suspended or deferred. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of a jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a Two Hundred Dollar (\$200.00) fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete diagnostic evaluation at an alcoholism program approved by the Washington State Department of Social and Health Services or other diagnostic evaluation as the court designates. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved

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drug treatment center.

~~(§-)~~ In addition to any non-suspendable and non-deferrable jail sentence required by the preceding paragraph relating to a second or subsequent conviction, the court shall sentence a person to a term of imprisonment not exceeding one hundred and eighty days and shall suspend but shall not defer the sentence for a period exceeding one year.

~~(*-)~~ The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

L. The refusal of a person to submit to a test of the alcoholic content of his blood under Seattle Municipal Code Section 11.56.020 C is admissible into evidence at a subsequent criminal trial ((without any comment)).

Section 2. 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 21st day of July, 1986, and signed by me in open session in authentication of its passage this 21st day of July, 1986.

JIM STREET
President Pro Tem of the City Council.

Approved by me this 31st day of July, 1986.

CHARLES ROYER
Mayor.

Filed by me this 31st day of July, 1986.

Attest: MORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By MARGARET CARTER,
Deputy Clerk.

Publication ordered by MORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, August 4, 1986.

(C-373-X)

Affidavit of Publication

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. 112959

was published on August 4, 1986

S. Blair
Subscribed and sworn to before me on

August 4, 1986

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