Ordinance No. 124686

Council Bill No. 118297

AN ORDINANCE relating to the City's traffic code amending various sections and subsections in and adding sections to Chapters 11.22, 11.31, 11.34, 11.56, 11.57, 11.64, 11.66 and 11.82 and repealing sections 11.66.060, 11.66.080 and 11.66.100 of the Seattle Municipal Code to conform with changes in state law.

CF No.

Date Introduced: 1/5/15	
Date 1st Referred:	To: (committee) Public Safety, Civil Rights, + Technology
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 1/12/15	Full Council Vote: 9-0
Date Presented to Mayor: 1/13/15	Date Approved: 1/16/15
Date Returned to City Clerk: 1/16/15	Date Published: T.O. X F.T.
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Bruce A. Harrell
Councilmember

Committee Action:

1/7/~~2014~~ 2015 Pass BH, SB

Full Council Action

1/12/15 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

Law Dept. Review | OMP Review | City Clerk Review | Electronic Copy Loaded | Indexed

CITY OF SEATTLE

ORDINANCE 124686

COUNCIL BILL 118297

AN ORDINANCE relating to the City's traffic code; amending various sections and subsections in and adding sections to Chapters 11.22, 11.31, 11.34, 11.56, 11.57, 11.64, 11.66 and 11.82 and repealing sections 11.66.060, 11.66.080 and 11.66.100 of the Seattle Municipal Code to conform with changes in state law.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 11.22.080.B.6 of the Seattle Municipal Code, which section was last amended by Ordinance 123946, is amended as follows:

11.22.080 Vehicle license plates displayed ((~~.~~))

* * *

B. Unlawful acts. No person shall:

* * *

6. fail, neglect, or refuse to endorse the registration certificate ((~~and deliver the license plate or plates to the purchaser or transferee of the vehicle~~)), except as authorized under this section. (RCW 46.16A.200)

Section 2. Subsection 11.31.090.D of the Seattle Municipal Code, which section was last amended by Ordinance 123946, is amended as follows:

11.31.090 Traffic infractions detected through the use of an automated traffic safety camera ((~~.~~))

* * *

D. The term "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing system or speed measuring device, and a camera synchronized to automatically record one or more sequenced

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photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal or exceeds a speed limit in a school speed zone as detected by a speed measuring device. ((~~Until June 30, 2013, an~~)) An automated traffic safety camera includes a camera used to detect ((~~speed~~)) violations other than stoplight, railroad crossing and school speed zone violations as authorized by and subject to the restrictions imposed by the Washington Legislature ((~~for purposes of Washington Laws of 2011, chapter 367, section 201(2)~~)).

* * *

Section 3. Section 11.34.020 of the Seattle Municipal Code, as last amended by Ordinance 123632, is amended as follows:

11.34.020 Penalties for criminal offenses ((~~.~~))

A. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed ((~~Five Thousand Dollars (~~)) $5,000 ((~~)~~)) or by imprisonment for a term not to exceed ((~~three hundred sixty-four (~~)) 364 ((~~)~~)) days, or by both such fine and imprisonment:

1. Subsection ((~~Section~~)) 11.22.070.B, Licenses and plates required—Penalties—Exceptions;

2. Section 11.22.090, Vehicle trip permits—Restrictions and requirements—Penalty;

3. Section 11.22.200, Special license plates – Hulk hauler;

4. Section 11.23.400, Disabled parking—Enforcement;

5. ((~~4.~~)) Section 11.30.340, Vehicle immobilization prohibited;

6. ((~~5.~~)) Section 11.55.340, Vehicles carrying explosives, flammable liquids, poison gas, liquefied petroleum gas (LPG) and cryogenics must stop at all railroad grade crossings;

7. ((~~6.~~)) Section 11.56.120, Reckless driving;

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8. ((~~7.~~)) Section 11.56.130, Reckless endangerment of roadway workers;

9. ((~~8.~~)) Section 11.56.140, Reckless endangerment of emergency zone workers;

10. ((~~9.~~)) Subsection ((~~Section~~)) 11.56.320.B, Driving while license is suspended or revoked in the first degree;

11. ((~~9.~~)) Subsection ((~~Section~~)) 11.56.320.C, Driving while license is suspended or revoked in the second degree;

12. ((~~10.~~)) Section 11.56.330, Violation of an occupational, temporary restricted or ignition interlock driver's license;

13. ((~~11.~~)) Section 11.56.340, Operation of motor vehicle prohibited while license is suspended or revoked;

((~~12. Section 11.56.420, Hit and run (attended)~~));

14. ((~~13.~~)) Section 11.56.350, Operation of a motor vehicle without required ignition interlock or other biological or technical device;

15. ((~~14.~~)) Section 11.56.355, Tampering with or assisting another in circumventing an ignition interlock device;

16. Section 11.56.420, Hit and run (attended);

17. ((~~15.~~)) Section 11.56.445, Hit and run (by unattended vehicle);

18. ((~~16.~~)) Section 11.56.450, Hit and run (pedestrian or person on a device propelled by human power);

19. ((~~17.~~)) Section 11.60.690, Transportation of liquified petroleum gas;

20. ((~~18.~~)) Section 11.62.020, Flammable liquids, combustible liquids and hazardous chemicals;

21. ((~~19.~~)) Section 11.62.040, Explosives;

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22. ((~~20.~~)) Subsection ((~~Section~~)) 11.74.160.B, Failure to secure load in the first degree;

23. ((~~21.~~)) Subsection ((~~Section~~)) 11.80.140.B, Certain vehicles to carry flares or other warning devices (subsection B only);

24. ((~~22.~~)) Subsection ((~~Section~~)) 11.80.160.E, Display of warning devices when vehicle disabled (subsection E only);

25. ((~~23.~~)) Subsection ((~~Section~~)) 11.84.370.D, Using, selling or purchasing a signal preemption device except as authorized;

26. ((~~24.~~)) Section 11.84.380, Fire extinguishers;

27. ((~~25.~~)) Section 11.86.080, Flammable or combustible labeling;

28. ((~~26.~~)) Section 11.86.100, Explosive cargo labeling;

29. ((~~27.~~)) Section 11.34.040, with respect to aiding and abetting the foregoing criminal offenses.

B. Any person convicted of any of the following offenses may be punished by a fine in any sum not to exceed ((~~One Thousand Dollars (~~)) $1,000 ((~~)~~)) or by imprisonment for a term not to exceed ((~~ninety (~~)) 90 ((~~)~~)) days, or by both such fine and imprisonment:

1. Section 11.20.010, Driver's license required—Exception—Penalty, unless the person cited for the violation provided the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop and was not in violation of Section 11.56.320 or Section 11.56.340, in which case the violation is an infraction;

2. Section 11.20.100, Display of nonvalid driver's license;

3. Section 11.20.120, Loaning driver's license;

4. Section 11.20.140, Displaying the driver's license of another;

5. Section 11.20.160, Unlawful use of driver's license;

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6. Section 11.20.200, Unlawful to allow unauthorized person to drive;

7. Subsection ((~~Section~~)) 11.20.350.C, Providing false evidence of financial responsibility;

8. Section 11.22.025, Transfer of ownership;

9. Section 11.32.160, Cancellation of citation;

10. 11.40.180, Standard of care for drivers of motor vehicles – blind pedestrians carrying white cane or using guide dog;

11. Section 11.40.430, Prohibited entry to no admittance area;

12. ((~~10.~~)) Subsection ((~~Section~~)) 11.56.320.D, Driving while license is suspended or revoked in the third degree;

13. ((~~11.~~)) Section 11.56.430, Hit and run (unattended vehicle) — Duty in case of accident with unattended vehicle;

14. ((~~12.~~)) Section 11.56.440, Hit and run (property damage) — Duty in case of accident with property;

15. ((~~13.~~)) Subsection ((~~Section~~)) 11.58.005.A, Negligent driving in the first degree;

16. ((~~14.~~)) Section 11.58.190, Leaving minor children in unattended vehicle;

17. ((~~15.~~)) Section 11.59.010, Obedience to peace officers, flaggers, and firefighters;

18. ((~~16.~~)) Section 11.59.040, Refusal to give information to or cooperate with officer;

19. ((~~17.~~)) Section 11.59.060, Refusal to stop;

20. ((~~18.~~)) Section 11.59.080, Examination of equipment;

21. ((~~19.~~)) Section 11.59.090, Duty to obey peace officer — Traffic infraction;

22. Section 11.66.240, Obstructing or delaying train;

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23. ((~~20.~~)) Subsection ((~~Section~~)) 11.74.160.C, Failure to secure load in the second degree;

24. ((~~21.~~)) Subsection ((~~Section~~)) 11.84.370.C, Possessing signal preemption device except as authorized;

25. ((~~22.~~)) Section 11.34.040, Aiding and abetting with respect to the criminal offenses in this subsection.

Section 4. Section 11.56.350 of the Seattle Municipal Code, as last amended by Ordinance 123420, is amended as follows:

11.56.350 Operation of motor vehicle without required ignition interlock or other biological or technical device ((~~.~~))

A. No person whose driving record includes a notation, pursuant to RCW 46.20.740, that the person may operate only a motor vehicle equipped with an ignition interlock device shall operate a motor vehicle that is not so equipped. Violation of this section is a gross misdemeanor.

B. Any sentence imposed for a violation of Subsection 11.56.350.A shall be served consecutively with any sentence imposed under Subsection 11.56.020.A, Subsection 11.56.020.B, Subsection 11.56.025 or Section 11.56.355. (RCW 46.20.740)

Section 5. Section 11.56.355 of the Seattle Municipal Code, as last amended by Ordinance 122742, is amended as follows:

11.56.355 Tampering with or assisting another in circumventing an ignition interlock device ((~~.~~))

* * *

E. Violation of this Section 11.56.355 ((~~section~~)) is a gross misdemeanor.

F. Any sentence imposed for a violation of Subsection 11.56.355.A shall be served consecutively with any sentence imposed under Subsection 11.56.020.A, Subsection 11.56.020.B, Section 11.56.025 or Section 11.56.350. (RCW 46.20.750)

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Section 6. A new Section 11.57.310 is added to the Seattle Municipal Code as follows:

11.57.310 Traffic control signal failing to activate

Notwithstanding any provision of law to the contrary, the operator of a street legal motorcycle approaching an intersection, including a left turn intersection, that is controlled by a triggered traffic control signal using a vehicle detection device that is inoperative due to the size of the street legal motorcycle shall come to a full and complete stop at the intersection. If the traffic control signal, including the left turn signal, as appropriate, fails to operate after one cycle of the traffic signal, the operator may, after exercising due care, proceed directly through the intersection or proceed to turn left, as appropriate. It is not a defense to a violation of Section 11.50.380 that the driver of a motorcycle proceeded under the belief that a traffic control signal used a vehicle detection device or was inoperative due to the size of the motorcycle when the signal did not use a vehicle detection device or that any such device was not in fact inoperative due to the size of the motorcycle.

Section 7. Subsection 11.64.200.B of the Seattle Municipal Code, which section was enacted by Ordinance 124302, is amended as follows:

11.64.200 Limitation on passengers in towed vehicle ((.))

* * *

B. 1. A tow truck operator may allow passengers to ride in a vehicle that is carried on the deck of a flatbed tow truck only when the following conditions are met:

a. The number of people that need to be transported exceeds the seating capacity of the tow truck or a person needing to be transported has a disability that limits that person's ability to enter the tow truck;

b. All passengers in the carried vehicle and in the tow truck comply with sections 11.58.195 and 11.58.198;

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c. Any passenger under ((~~sixteen (~~)) 16 ((~~)~~)) years of age is accompanied by an adult riding in the same vehicle; and

d. There is a way for the passengers in the carried vehicle to immediately communicate, either verbally, audibly, or visually, with the tow truck operator in case of an emergency.

2. No passenger of such a carried vehicle may exit the carried vehicle, ride outside of the passenger compartment of the carried vehicle, or exhibit dangerous or distracting behaviors while in the carried vehicle. ((~~shall occupy any trailer while it is being moved upon a street or alley, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.~~)) (RCW 46.61.625)

Section 8. A new section 11.66.240 is added to the Seattle Municipal Code as follows:

11.66.240 Obstructing or delaying train

Every person who knowingly obstructs, hinders or delays the passage of any car lawfully operated upon any railway is guilty of a misdemeanor. "Knowingly" shall have the same meaning as in Section 12A.04.030.

Section 9. Section 11.82.240 of the Seattle Municipal Code, as enacted by Ordinance 108200, is amended as follows:

11.82.240 Lamps, reflectors, and flags on projecting load((~~,~~))

Whenever the load on any vehicle extends to the rear 4 ((~~four~~)) feet ((~~(4')~~)) or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 11.82.040, two ((~~(2)~~)) red lamps, visible from a distance of at least 500 ((~~five hundred~~)) feet ((~~(500')~~)) to the rear, two ((~~(2)~~)) red reflectors visible at night from all distances within 600 ((~~six hundred~~)) feet ((~~(600')~~)) to 100 ((~~one hundred~~)) feet ((~~(100')~~)) to the rear when directly in front of lawful lower beams of headlamps, and located so as to indicate maximum width, and on each side one

2015 CITY CLERK

((~~(1)~~)) red lamp, visible from a distance of at least 500 ((~~five hundred~~)) feet ((~~(500')~~)) to the side, located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends more than 4 inches beyond its sides or more than 4 ((~~four~~)) feet ((~~(4')~~)) beyond its rear, red or orange fluorescent warning flags, not less than 18 ((~~twelve~~)) inches ((~~12"~~)) square, marking the extremities of such loads, ((~~at each point where a lamp would otherwise be required by Section 11.82.040~~)). (RCW 46.37.140 ((~~040~~)))

Section 10. Section 11.66.060 of the Seattle Municipal Code, as enacted by Ordinance 108200 and that currently reads as follows, is repealed.

((~~**11.66.060 Blocking intersections and crosswalks.**~~

~~No person who is responsible for the operation of any railroad train or car shall stop the same within an intersection or on a crosswalk except to avoid accident or upon direction of a peace officer.~~))

Section 11. Section 11.66.080 of the Seattle Municipal Code, as enacted by Ordinance 108200 and that currently reads as follows, is repealed.

((~~**11.66.080 Blocking use of street when switching.**~~

~~A. No person who is responsible for the operation of any railroad train or car which is engaged in switching shall direct the operation of or operate the same in such a manner as to prevent or interfere with the use of any street or alley for purposes of travel, or impede property access, for a period of time longer than four (4) consecutive minutes.~~

~~B. A time interval between successive switching operations shall be provided if the initial switching operation prevents or interferes with the use of the street or alley for purposes of travel or property access, in order to allow the waiting traffic to proceed, provided that the time interval between successive switching operations need not exceed two (2) consecutive minutes.~~))

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Section 12. Section 11.66.100 of the Seattle Municipal Code, as enacted by Ordinance 108200 and that currently reads as follows, is repealed.

((~~**11.66.100 Switching during peak traffic hours.**~~

~~No switching movement shall be made on or across any arterial streets, between the hours of seven a.m. (7:00 a.m.) to nine a.m. (9:00 a.m.) and four p.m. (4:00 p.m.) to six p.m. (6:00 p.m.), except on Sundays and public holidays.~~))

Section 13. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Section 1.04.020.

Passed by the City Council the 12th day of January, 2015, and signed by me in open session in authentication of its passage this 12th day of January, 2015.

President _____ of the City Council

Approved by me this 16 day of January, 2015.

Edward Murray, Mayor

Filed by me this 16th day of January, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

SEAL CITY CLERK

Form revised: February 26, 2014

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Law	Richard Greene 684-8538	

Legislation Title:

AN ORDINANCE relating to the City's traffic code; amending various sections and subsections in and adding sections to Chapters 11.22, 11.31, 11.34, 11.56, 11.57, 11.64, 11.66 and 11.82 and repealing sections 11.66.060, 11.66.080 and 11.66.100 of the Seattle Municipal Code to conform with changes in state law.

Summary of the Legislation:

This ordinance eliminates the requirement that a vehicle seller deliver to the purchaser the license plates for the vehicle, clarifies the scope of use for automated traffic safety cameras, provides that hulk hauler license plate restrictions, cancelling a traffic citation and failing to yield to a blind pedestrian are criminal violations, requires that the sentence for certain traffic crimes run consecutively, allows a motorcycle to disregard a traffic control device under certain circumstances and changes the conditions under which warning flags are required on a projecting load. It also adds to the traffic code a provision prohibiting blocking a train and eliminates several provisions that were determined by *City of Seattle v. Burlington Northern Railroad Co.*, 145 Wn.2d 661, 41 P.3d 1169 (2002), to be preempted by federal law.

Background:

This ordinance is designed to make changes to Seattle's traffic code to reflect changes made to identical state statutes by the 2014 Legislature and to correct other inconsistencies between state traffic statutes and our traffic code. It also enacts a provision prohibiting blocking a train and eliminates several provisions regarding trains that were declared invalid by the Washington Supreme Court.

__X__ This legislation does not have any financial implications.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?** No.

b) **What is the financial cost of not implementing the legislation?** None seems apparent.

c) **Does this legislation affect any departments besides the originating department?** This ordinance would affect the Seattle Police Department as it is responsible for enforcement.

d) **What are the possible alternatives to the legislation that could achieve the same or**

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similar objectives? None seems apparent.

e) **Is a public hearing required for this legislation?** No.

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.

g) **Does this legislation affect a piece of property?** No.

h) **Other Issues:**

BOS CITY CLERK

Seattle City Attorney
Peter S. Holmes

December 3, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

Enclosed for the City Council's consideration is an ordinance making several changes to Seattle's traffic code to reflect changes made to the corresponding state statutes by the 2014 Legislature. These changes are necessary because our traffic code must be identical with state law.

Section 1 eliminates the requirement that a vehicle seller deliver to the purchaser the vehicle license plates. Section 2 allows the use of automated traffic safety cameras in situations authorized by the legislature. Section 3 clarifies that hulk hauler license plate restrictions, cancelling a citation and failing to yield to a blind pedestrian are criminal violations. Sections 4 and 5 require that the sentence for certain traffic crimes be served consecutively. Section 6 allows a motorcycle to disregard a traffic control device that fails to activate because of the weight of the motorcycle. Section 7 corrects a drafting error in last year's ordinance. Section 8 incorporates into our traffic code a state law prohibiting blocking a train. Section 9 revises the requirement for warning flags on a projecting load. Sections 10 – 12 repeal provisions concerning train switching that were determined to be preempted by federal law in *City of Seattle v. Burlington Northern Railroad Co.,* 145 Wn.2d 661, 41 P.3d 1169 (2002).

Again, the reason for these changes is that Seattle's traffic code must be the same as state traffic laws.

Thank you for your consideration of this legislation. Should you have questions, please contact Richard Greene at 684-8538.

Sincerely,

Peter S. Holmes
Seattle City Attorney

Seattle City Attorney's Office
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an equal employment opportunity employer

2014 CITY CLERK

STATE OF WASHINGTON -- KING COUNTY

--ss.

316592

No. 124585,586,587

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

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

CT:TITLE ONLY ORDINANCES

was published on

10/17/14

The amount of the fee charged for the foregoing publication is the sum of $65.93 which amount has been paid in full.

Subscribed and sworn to before me on

10/17/2014

Notary public for the State of Washington,
residing in Seattle

MELISSA M. DOWD
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
11-21-15

Affidavit of Publication

State of Washington, King County

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on September 22, 2014, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124585

AN ORDINANCE relating to City employment; authorizing the execution of a memorandum of understanding between the City of Seattle and the Seattle Parking Enforcement Officers' Guild; providing payment therefor; and ratifying and confirming prior acts.

ORDINANCE NO. 124586

AN ORDINANCE relating to City employment commonly referred to as the Second Quarter 2014 Employment Ordinance; establishing a Magistrate Compensation Program for Magistrates in the Seattle Municipal Court, designating positions as exempt from Civil Service status, returning positions to Civil Service status, amending Seattle Municipal Code Section 4.13.010, authorizing the Mayor to execute a Memorandum of Understanding between the City of Seattle/Seattle City Employees' Retirement System and the Professional and Technical Employees, Local 17, and ratifying and confirming prior acts; and all by a 2/3 vote of the City Council.

ORDINANCE NO. 124587

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, October 17, 2014.

10/17(316592)