

Ordinance No. 123190

Council Bill No. 116729

AN ORDINANCE relating to the City's traffic code; amending, adding and repealing various sections and subsections in chapters 11.14, 11.20, 11.30, 11.46, 11.55, 11.57, 11.58 and 11.84 of the Seattle Municipal Code to conform with changes in state law, clarify the definition of "angle parking" and authorize impoundment of a vehicle used in committing Patronizing a Prostitute.

CF No. _____

Date Introduced:	<u>11-16-09</u>	
Date 1st Referred:	To: (committee) <u>Public Safety, Human Services + Education</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor:	Date Approved: <u>12-11-09</u>	
Date Returned to City Clerk:	Date Published:	T.O. _____ F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____
Councilmember

TB

Committee Action:

12/1/09 MSP 2-0-0 TB, NL

12-7-09 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

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Indexed

ORDINANCE 123190

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4 and subsections in chapters 11.14, 11.20, 11.30, 11.46, 11.55, 11.57, 11.58 and 11.84 of the
5 Seattle Municipal Code to conform with changes in state law, clarify the definition of "angle
6 parking" and authorize impoundment of a vehicle used in committing Patronizing a Prostitute.

7
8 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

9 Section 1. A new section is added to Seattle Municipal Code Chapter 11.14 as follows:

10
11 **11.14.332 Moped.**

12 "Moped" means a motorized device designed to travel with not more than three (3) wheels in
13 contact with the ground and having an electric or a liquid fuel motor with a cylinder displacement not
14 exceeding fifty (50) cubic centimeters which produces no more than two (2) gross brake horsepower
15 (developed by a prime mover, as measured by a brake applied to the driving shaft) that is capable of
16 propelling the device at not more than thirty (30) miles per hour on level ground. (RCW 46.04.304)

17 Section 2. Section 11.14.333 of the Seattle Municipal Code is amended as follows:

18
19 **11.14.333 Motorized foot scooter.**

20 "Motorized foot scooter" means a device with no more than two (2) ten-inch (10") or smaller
21 diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered
22 by an internal combustion engine or electric motor that is capable of propelling the device with or
23 without human propulsion at a speed of no more than twenty (20) miles per hour on level ground. A
24 motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot
scooter. A "gas motorized foot scooter" is a motorized foot scooter powered in whole or in part by an
internal combustion engine. An "electric motorized foot scooter" is a motorized foot scooter powered
solely by an electric motor. (~~Statutory reference:~~) RCW46.04.336.)



Section 3. Section 11.14.340 of the Seattle Municipal Code is amended as follows:

11.14.340 Motorcycle.

“Motorcycle” means every motor vehicle (~~(on which the driver sits astride the frame and)~~) which is designed to travel on not more than three (3) wheels in contact with the ground, on which the driver:

A. Rides on a seat or saddle and the motor vehicle is designed to be steered with a handle bar; or

B. Rides on a seat in a partially or completely enclosed seating area that is equipped with safety belts and the motor vehicle is designed to be steered with a steering wheel.

“Motorcycle” excludes (~~(but excluding)~~) a farm tractor, a power wheelchair, an electric personal assistive mobility device, a motorized foot scooter, an electric-assisted bicycle and a moped. (RCW 46.04.330)

Section 4. Section 11.14.420 of the Seattle Municipal Code is amended as follows:

11.14.420 Park at an angle or angle park.

“Park at an angle” or “angle park” means the parking of a vehicle at an angle between five degrees (5°) and ninety degrees (90°) to the curb. “Back-in” angle parking means the parking of a vehicle with the front of the vehicle toward the main traveled portion of the road (~~(roadway)~~) and “front-in” angle parking means the parking of a vehicle with the rear of the vehicle toward the main traveled portion of the road (~~(roadway)~~).

Section 5. Section 11.14.445 of the Seattle Municipal Code is amended as follows:

11.14.445 Pedestrian.

“Pedestrian” means any person afoot or using (~~(in)~~) a wheelchair, a power wheelchair or a means of conveyance propelled by human power other than a bicycle (~~(whether motorized or not)~~). (RCW 46.04.400)

Section 6. Section 11.20.040 of the Seattle Municipal Code is amended as follows:



11.20.040 Special endorsement for motorcycle operator's license -- Moped exception.

1 No person shall drive either a two-wheeled or three-wheeled ((a)) motorcycle ((,as defined in
2 RCW 46.04.330,)) or a motor-driven cycle (~~((,as defined in RCW 46.04.332 as now or hereafter~~
3 ~~amended,))~~) unless such person has a valid driver's license specially endorsed by the Director of the
4 Washington State Department of Licensing to enable the holder to drive such vehicles; provided, that a
5 person holding a valid driver's license may operate a motorcycle as defined under Section 11.14.340B
6 without a motorcycle endorsement and any person sixteen (16) years of age or older, holding a valid
7 driver's license of any class issued by the state of the person's residence, may operate a moped without
8 taking any special examination for the operation of a moped. (RCW 46.20.500)

9
10 Section 7. Subsection D of Section 11.20.060 of the Seattle Municipal Code is amended as
11 follows:

12 * * *

13 D. The holder of an intermediate license may drive at any hour without restrictions on the
14 number of passengers in the vehicle if:

15 1. Necessary for agricultural purposes, or

16 2. For the twelve (12) month period after the issuance of the intermediate license, the holder

17 (a) Has ((has)) not been involved in an ((a motor vehicle)) accident involving only one (1) motor
18 vehicle;

19 (b) Has not been involved in an accident where he or she was cited in connection with the
20 accident or was found to have caused the accident;

21 (c) Has not been involved in an accident where no one was cited or was found to have caused
22 the accident; and



1 (d) Has ((has)) not been convicted of or found to have committed a traffic offense described in
RCW Chapter 46.61 or violated this section.

2 * * *

3 Section 8. Subsection A of Section 11.30.040 of the Seattle Municipal Code is amended as
4 follows:

5 **11.30.040 When a vehicle may be impounded without prior notice.**

6 A. A vehicle may be impounded with or without citation and without giving prior notice to its
7 owner as required in Section 11.30.060 hereof only under the following circumstances:

8 * * *

9 10. When the vehicle is impounded pursuant to Section 12A.10.115.

10 Section 9. Subsections C and D of Section 11.30.120 of the Seattle Municipal Code is amended
11 as follows:

12 **11.30.120 Redemption of impounded vehicles.**

13 Vehicles impounded by the City shall be redeemed only under the following circumstances:

14 * * *

15 C. The Chief of Police or Municipal Court shall ((is authorized to)) release a vehicle impounded
16 pursuant to Section 11.30.105 prior to the expiration of any period of impoundment:

17 1. Upon petition of the spouse of the driver, or the person registered pursuant to Ordinance
18 117244 as the domestic partner of the driver, based on economic or personal hardship to such spouse or
19 domestic partner resulting from the unavailability of the vehicle and after consideration of the threat to
20 public safety that may result from release of the vehicle, including, but not limited to, the driver's
21 criminal history, driving record, license status, and access to the vehicle; or
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1 2. If the registered owner of the vehicle was not the driver, did not know that the driver's driver's
2 license was suspended or revoked and has not received a prior release under this Subsection 11.30.120
3 C2 or Subsection 11.30.040 A9.

4 In order to avoid discriminatory application, the Chief of Police and Municipal Court shall deny
5 release without discretion in all circumstances other than for the reasons set forth in this Subsection
6 11.30.120 C. If such release is authorized, the person redeeming the vehicle still must satisfy the
7 requirements of Section 11.30.120 A and B.

8 D. Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation
9 or under Section 12A.10.115 has a right to a hearing before a Municipal Court judicial officer to contest
10 the validity of an impoundment or the amount of removal, towing, and storage charges or administrative
11 fee if such request for hearing is in writing, in a form approved by the Municipal Court and signed by
12 such person, and is received by the Municipal Court within ten (10) days (including Saturdays, Sundays,
13 and holidays) of the latter of the date the notice was mailed to such person pursuant to Section 11.30.100
14 A or B; or the date the notice was given to such person by the registered tow truck operator pursuant to
15 RCW 46.55.120(2)(a). Such hearing shall be provided as follows:

16 * * *

17
18 Section 10. Subsections A and B of Section 11.46.010 of the Seattle Municipal Code are
19 amended as follows:

20 **11.46.010 Areas of operation.**

21 A. Except as otherwise provided in this chapter, ((gas)) motorized foot scooters may be operated
22 on roadways, shoulders, and alleys, but not on sidewalks, bicycle lanes, or public paths.

23 B. Except as otherwise provided in this chapter, EPAMDs ((and electric motorized foot
24 scooters)) may be operated on roadways, shoulders, sidewalks, and alleys, but not on bicycle lanes, or



1 public paths. Where an arterial street contains a sidewalk, EPAMDs shall be operated only upon the
2 sidewalk and not upon the roadway or shoulder. An EPAMD shall not be operated upon the roadway or
3 shoulder of any highway where the speed limit is greater than 35 miles per hour.

4 Section 11. Section 11.55.160 of the Seattle Municipal Code is amended as follows:

5 **11.55.160 Entering space – Angle parking.**

6 Operators of vehicles shall enter angle parking spaces only from the side of the main traveled
7 portion of the road (~~roadway~~) which is adjacent to such space.

8 Section 12. Section 11.57.040 of the Seattle Municipal Code is amended as follows:

9 **11.57.040 Foot pegs.**

10 No person shall operate a motorcycle not equipped with foot pegs or an additional bucket seat
11 and seat belt meeting standards prescribed under 49 C.F.R. Part 571 (~~of a type approved by the State~~
12 ~~Commission on Equipment~~) for each person such motorcycle is designed to carry. (RCW 46.61.610)

13 Section 13. Subsection A of Section 11.57.100 of the Seattle Municipal Code is amended as
14 follows:

15 **11.57.100 Mirrors.**

16 A. No person shall operate a motorcycle, moped or motor-driven cycle not equipped with
17 mirrors on the left and right sides (~~of the handlebars~~) which shall be so located as to give the operator a
18 complete view of the street or alley for a distance of at least two hundred (200) feet to the rear of the
19 motorcycle, moped or motor-driven cycle.

20 * * *

21 Section 14. Section 11.57.120 of the Seattle Municipal Code is amended as follows:

22 **11.57.120 Goggles or face shield.**



1 No person shall operate a motorcycle, moped or motor-driven cycle which does not have a
2 windshield unless wearing (~~he wears~~) glasses, goggles, or a face shield of a type approved by the
3 Washington State Patrol (~~Commission on Equipment~~). (RCW 46.37.530(1)(b))

4 Section 15. A new section is added to Seattle Municipal Code Chapter 11.57 as follows:

5 **11.57.300 Helmets.**

6 A. It is unlawful for any person to operate or ride upon a motorcycle, moped or motor-driven
7 cycle on a street unless wearing upon his or her head a motorcycle helmet, except when the vehicle is an
8 antique motor-driven cycle or when the vehicle is equipped with a steering wheel, seat belts that
9 conform to standards prescribed under 49 C.F.R. Part 571 and a partially or completely enclosed seating
10 area for the driver and passenger that is certified by the manufacturer as meeting the standards prescribed
11 under 49 C.F.R. Section 571.216. The motorcycle helmet neck or chin strap must be fastened securely
12 while the motorcycle, moped or motor-driven cycle is in motion. Persons operating electric-assisted
13 bicycles and motorized foot scooters shall comply with all laws and regulations related to the use of
14 bicycle helmets.

15 B. It is unlawful for any person to transport a child under the age of five (5) years on a
16 motorcycle or motor-driven cycle.

17 C. For purposes of this section, "motorcycle helmet" means a protective covering for the head
18 consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap
19 type retention system, with the manufacturer's certification applied in accordance with 49 C.F.R. Section
20 571.218 indicating that the motorcycle helmet meets standards established by the United States
21 Department of Transportation. (RCW 46.37.530)

22 Section 16. Section 11.58.008 of the Seattle Municipal Code is amended as follows:

23 **11.58.008 Inattention.**



1 ((A.)) No person shall operate a vehicle in an inattentive manner over and along the streets,
2 alleys or ways open to the public of this City. For the purpose of this section, "inattentive manner"
3 means such a manner so as to fail to maintain a careful lookout for persons or property in the direction of
4 travel.

5 ~~((B. The offense of operating a vehicle in an inattentive manner shall be considered to be a lesser
6 offense than, but included in, the offense of operating a vehicle in a negligent manner, and any person
7 charged with operating a vehicle in a negligent manner may be convicted of the lesser offense of
8 operating a vehicle in an inattentive manner.))~~

9 Section 17. Subsections A and B of Section 11.58.198 of the Seattle Municipal Code are
10 amended as follows:

11 **11.58.198 Safety belts required.**

12 A. For the purposes of this section, the term "motor vehicle" includes:

13 1. "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more
14 than ten (10) passengers;

15 2. "Medium-speed electric vehicle," meaning a self-propelled, electrically powered four-wheeled
16 motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1)
17 mile is more than thirty (30) miles per hour but not more than thirty-five (35) miles per hour and
18 otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Section 571.500;

19 3. "Motorcycle," meaning a three-wheeled motor vehicle that is designed so that the driver rides
20 on a seat on a partially or completely enclosed seating area that is equipped with safety belts and to be
21 steered with a steering wheel;
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23
24



1 4. "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except
2 trailers, designed to carry ten (10) persons or fewer (~~less~~), that are constructed either on a truck chassis
3 or with special features for occasional off-road operation;

4 5. "Neighborhood electric vehicle," meaning a self-propelled, electrically powered four-wheeled
5 motor vehicle whose speed attainable in one (1) mile is more than twenty (20) miles per hour and not
6 more than twenty-five (25) miles per hour and conforms to federal regulations under 49 C.F.R. Section
7 571.500;

8 6. ~~((3-))~~ "Passenger cars," meaning motor vehicles with motive power, except multipurpose
9 passenger vehicles, motorcycles, or trailers, designed for carrying ten (10) passengers or fewer (~~less~~);
10 and

11 7. ~~((4-))~~ "Trucks," meaning motor vehicles with motive power, except trailers, designed
12 primarily for the transportation of property.

13 B. This section only applies to motor vehicles that meet the manual seat belt safety standards as
14 set forth in 49 C.F.R. Section 571.208, motorcycles, when equipped with safety belts that meet the
15 standards set forth in 49 C.F.R. Part 571, and neighborhood electric vehicles and medium-speed electric
16 vehicles that meet the seat belt standards as set forth in 49 C.F.R. Section 571.500 (~~((federal Motor~~
17 ~~Vehicle Safety Standard 208))~~). This section does not apply to a motor vehicle occupant for whom no
18 safety belt is available when all designated seating positions as required under 49 C.F.R. Part 571 (~~by~~
19 ~~Federal Motor Vehicle Safety Standard 208))~~ are occupied.

20 * * *

21
22 Section 18. Section 11.84.150 of the Seattle Municipal Code is amended as follows:

23 **11.84.150 Application of tinting or coloring material.**
24



1 A. No film screening or coloring material that reduces light transmittance to any degree may be
2 applied to the surface of the safety glazing material in a motor vehicle unless it meets the following
3 standards for such material:

4 1. The maximum level of net film sunscreening ((~~material~~)) to be applied to any window, except
5 the windshield, shall have a total reflectance of thirty-five percent (35%) or less, ((~~plus or minus three~~
6 ~~percent (3%),~~)) and a light transmission of twenty-four percent (24%) ((~~thirty-five percent (35%) or~~
7 ~~more, plus or minus three percent (3%), when measured against clear glass resulting in a minimum of~~
8 ~~twenty-four percent (24%) light transmission on AS-2 glazing~~)) where the vehicle is equipped with
9 outside rearview mirrors on both the right and left. Installation of more than a single sheet of film
10 sunscreening material to any window is prohibited. ((~~The same maximum levels of film sunscreen~~
11 ~~material may be applied to windows to the immediate right and left of the driver on~~))

12 2. Hearses, collector vehicles, limousines and passenger buses used to transport persons for
13 compensation, ambulances, rescue squad vehicles, any other emergency vehicle licensed under RCW
14 18.73.130 that is used to transport patients and any vehicle ((~~vehicles~~)) identified by the manufacturer as
15 a truck, motor home or multipurpose passenger vehicle as defined in C.F.R. section 571.3 ((~~multi-use,~~
16 ~~multipurpose, or other similar designation. All windows to the rear of the driver on such vehicles~~)) may
17 have net film sunscreening ((~~material~~)) applied on any window to the rear of the driver that has less than
18 twenty-four percent (24%) ((~~thirty-five percent (35%)~~)) light transmittance, if the light reflectance is
19 thirty-five percent (35%) or less and the vehicle is equipped with outside rearview mirrors on both the
20 right and left.

21 3. A person or business tinting windows for profit who tints windows within restricted areas of
22 the glazing system shall supply a sticker to be affixed to the driver's door post, in the area adjacent to the
23 manufacturer's identification tag. Installation of this sticker certifies that the glazing application meets
24



1 this chapter's standards for light transmission, reflectance, and placement requirements. Stickers must be
2 no smaller than three-quarters of an inch (3/4") by one and one-half inches (1 1/2"), and no larger than
3 two inches (2") by two and one-half inches (2 1/2"). The stickers must be of sufficient quality to endure
4 exposure to harsh climate conditions. The business name and state tax identification number of the
5 installer must be clearly visible on the sticker.

6 4. ((2-)) A greater degree of light reduction is permitted on all windows and the top six inches
7 (6") of windshields of a vehicle operated by or carrying as a passenger a person who possesses a written
8 verification from a licensed physician that the operator or passenger must be protected from exposure to
9 sunlight for physical or medical reasons.

10 5. ((3- Windshield application-)) A greater degree of light reduction is permitted along the top
11 edge of the windshield as long as the product is transparent and does not extend into the AS-1 portion of
12 the windshield or extend more than six inches (6") from the top of the ((on the top six inch (6") area of a
13 vehicle's)) windshield. Clear film sunscreening material that reduces or eliminates ultraviolet light may
14 be applied to windshields.

15 6. ((4-)) When film sunscreening material is applied to any window except the windshield,
16 outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view of the
17 roadway, through each mirror, a distance of at least two hundred feet (200') to the rear of the vehicle.

18 7. ((5-)) The following types of film sunscreening material are not permitted:

- 19 a. Mirror finish products;
20 b. Red, gold, yellow, or black material; or
21 c. Film sunscreening material that is in liquid preapplication form and brushed or sprayed on.

22 B. The side and rear windows of law enforcement vehicles are exempt from the requirements of
23 subsection A of this section.
24



C. Nothing in this section prohibits:

1 1. The ((the)) use of shaded or heat-absorbing safety glazing material in which the shading or
2 heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material
3 and which meet federal standards ((and the standards of the State Patrol)) for such safety glazing
4 materials.

5 2. The use and placement of federal, state or local certificates or decals on any window as
6 required by applicable laws or regulations. However, any such certificate must be of a size and placed
7 on the motor vehicle so as not to impair the ability of the driver to safely operate the motor vehicle.
8

9 3. Sunscreening devices to be applied to any window behind the driver provided that the devices
10 reduce the driver's area of vision uniformly and by no more than fifty percent (50%), as measured on a
11 horizontal plane. If sunscreening devices are applied to the rear window, the vehicle must be equipped
12 with outside rearview mirrors on both the left and right.

13 4. Recreational products, such as toys, cartoon characters, stuffed animals, signs and any other
14 vision-reducing article or material to be applied to or placed in windows behind the driver provided they
15 do not interfere, in their size or position, with the driver's ability to see other vehicles, persons or
16 objects.

17 D. For purposes of this section:

18 1. "Light transmission" means the ratio of the amount of total visible light, expressed in
19 percentages, that is allowed to pass through the sunscreening or coloring material to the amount of total
20 visible light falling on the motor vehicle window.

21 2. "Net film sunscreening" means the total sunscreening or coloring material applied to the
22 window that includes both the material applied by the manufacturer during the safety glazing and any
23 film sunscreening or coloring material applied after the vehicle is manufactured.
24



3. "Reflectance" means the ratio of the amount of total light, expressed in percentages, that is reflected outward by the sunscreening or coloring material to the amount of total light falling on the motor vehicle window.

4. "Safety ((The term "safety)) glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

E. No person shall operate on a street or alley a vehicle that is equipped with film suncreening or coloring material in violation of this section. (RCW 46.37.430)

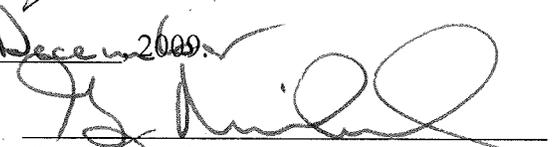
Section 19. Section 11.84.290 of the Seattle Municipal Code is repealed.

Section 20. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 7th day of December 2009, and signed by me in open session in authentication of its passage this 7th day of December, 2009.



President _____ of the City Council

Approved by me this 11th day of December 2009.


Gregory J. Nickels, Mayor

Filed by me this 15th day of December, 2009.


City Clerk



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Law – Public & Community Safety	Richard Greene 684-8538	

Legislation Title: AN ORDINANCE relating to the City’s criminal code; amending and adding various sections and subsections in chapters 12A.06, 12A.08, 12A.10, 12A.12 and 12A.14 of the Seattle Municipal Code to conform with changes in state law, authorize impoundment of a vehicle used in committing Patronizing a Prostitute, expand the scope of Disorderly Conduct on Buses and clarify the scope of Weapons in Public Places.

- **Summary of the Legislation:** Amends the City’s criminal code to conform with changes in the corresponding state criminal statutes made by recent sessions of the Legislature, authorizes impoundment of a vehicle used in committing the crime of Patronizing a Prostitute, expands the scope of the crime of Disorderly Conduct on Buses and clarifies the term “public place” used in defining the crime of Weapons in Public Places.
- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):* Many provisions of Seattle’s criminal code are identical to provisions of the state criminal statutes. When the Legislature amends those statutes, our criminal code usually should be amended to ensure uniformity. This ordinance changes provisions of our criminal code to conform with changes made to the corresponding state criminal statutes by recent sessions of the Legislature. This ordinance also authorizes the impoundment of a vehicle when it is used by its owner in committing the crime of Patronizing a Prostitute. This ordinance also incorporates most, but not all, of the changes made to the state Disorderly Conduct on Buses statute as some of those changes created unnecessary ambiguities. This ordinance also clarifies the scope of the crime of Weapons in Public Places by defining the term “public place.”
- *Please check one of the following:*

X **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*



123190

1083

STATE OF WASHINGTON – KING COUNTY

--SS.

248447
CITY OF SEATTLE, CLERKS OFFICE

No.

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.

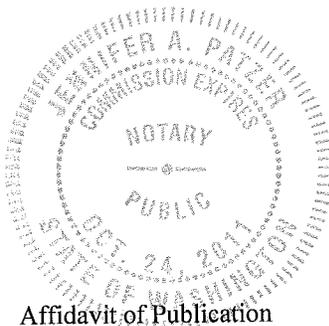
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123190 ORDINANCE

was published on

12/17/09

The amount of the fee charged for the foregoing publication is the sum of \$ 799.48, which amount has been paid in full.



[Signature]

Subscribed and sworn to before me on

12/17/09 *[Signature]*

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

2072

State of Washington, King County

City of Seattle

ORDINANCE 123190

AN ORDINANCE relating to the City's traffic code; amending, adding and repealing various sections and subsections in chapters 11.14, 11.20, 11.30, 11.46, 11.55, 11.57, 11.58 and 11.84 of the Seattle Municipal Code to conform with changes in state law, clarify the definition of "angle parking" and authorize impoundment of a vehicle used in committing Patronizing a Prostitute.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section is added to Seattle Municipal Code Chapter 11.14 as follows:

11.14.332 Moped.

"Moped" means a motorized device designed to travel with not more than three (3) wheels in contact with the ground and having an electric or a liquid fuel motor with a cylinder displacement not exceeding fifty (50) cubic centimeters which produces no more than two (2) gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) that is capable of propelling the device at not more than thirty (30) miles per hour on level ground. (RCW 46.04.304)

Section 2. Section 11.14.333 of the Seattle Municipal Code is amended as follows:

11.14.333 Motorized foot scooter.

"Motorized foot scooter" means a device with no more than two (2) ten-inch (10") or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion at a speed of no more than twenty (20) miles per hour on level ground. A motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter. A "gas motorized foot scooter" is a motorized foot scooter powered in whole or in part by an internal combustion engine. An "electric motorized foot scooter" is a motorized foot scooter powered solely by an electric motor. ((Statutory reference:)) RCW46.04.336.)

Section 3. Section 11.14.340 of the Seattle Municipal Code is amended as follows:

11.14.340 Motorcycle.

"Motorcycle" means every motor vehicle ((on which the driver sits astride the frame and)) which is designed to travel on not more than three (3) wheels in contact with the ground, on which the driver:

- A. Rides on a seat or saddle and the motor vehicle is designed to be steered with a handle bar; or
- B. Rides on a seat in a partially or completely enclosed seating area that is equipped with safety belts and the motor vehicle is designed to be steered with a steering wheel.

"Motorcycle" excludes (but excluding) a farm tractor, a power wheelchair, an electric personal assistive mobility device, a motorized foot scooter, an electric-assisted bicycle and a moped. (RCW 46.04.330)

Section 4. Section 11.14.420 of the Seattle Municipal Code is amended as follows:

11.14.420 Park at an angle or angle park.

"Park at an angle" or "angle park" means the parking of a vehicle at an angle between five degrees (5°) and ninety degrees (90°) to the curb. "Back-in" angle parking means the parking of a vehicle with the front of the vehicle toward the main traveled portion of the road (roadway) and "front-in" angle parking means the parking of a vehicle with the rear of the vehicle toward the main traveled portion of the road (roadway).

Section 5. Section 11.14.445 of the Seattle Municipal Code is amended as follows:

11.14.445 Pedestrian.

"Pedestrian" means any person afoot or using ((in)) a wheelchair, a power wheelchair or a means of conveyance propelled by human power other than a bicycle ((whether motorized or not)). (RCW 46.04.400)

Section 6. Section 11.20.040 of the Seattle Municipal Code is amended as follows:

11.20.040 Special endorsement for motorcycle operator's license -- Moped exception.

No person shall drive either a two-wheeled or three-wheeled ((a)) motorcycle ((; as defined in RCW 46.04.330;)) or a motor-driven cycle ((; as defined in RCW 46.04.332 as now or hereafter amended;)) unless such person has a valid driver's license specially endorsed by the Director of the Washington State Department of Licensing to enable the holder to drive such vehicles; provided, that a person holding a valid driver's license may operate a motorcycle as defined under Section 11.14.340B without a motorcycle endorsement and any person sixteen (16) years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped. (RCW 46.20.500)

Section 7. Subsection D of Section 11.20.060 of the Seattle Municipal Code is amended as follows:

D. The holder of an intermediate license may drive at any hour without restrictions on the number of passengers in the vehicle if:

- 1. Necessary for agricultural purposes, or
- 2. For the twelve (12) month period after the issuance of the intermediate license, the holder

(a) Has ((has)) not been involved in an ((a motor vehicle)) accident involving only one ((1)) motor vehicle;

(b) Has not been involved in an accident where he or she was cited in connection with the accident or was found to have caused the accident;

(c) Has not been involved in an accident where no one was cited or was found to have caused the accident; and

(d) Has ((has)) not been convicted of or found to have committed a traffic offense described in RCW Chapter 46.61 or violated this section.

Section 8. Subsection A of Section 11.30.040 of the Seattle Municipal Code is amended as follows:

11.30.040 When a vehicle may be impounded without prior notice.

A. A vehicle may be impounded with or without citation and without giving prior notice to its owner as required in Section

11.30.060 hereof only under the following circumstances:

10. When the vehicle is impounded pursuant to Section 12A.10.115.

Section 9. Subsections C and D of Section 11.30.120 of the Seattle Municipal Code is amended as follows:

11.30.120 Redemption of impounded vehicles.

Vehicles impounded by the City shall be redeemed only under the following circumstances:

C. The Chief of Police or Municipal Court shall ((is authorized to)) release a vehicle impounded pursuant to Section 11.30.105 prior to the expiration of any period of impoundment:

1. Upon petition of the spouse of the driver, or the person registered pursuant to Ordinance 117244 as the domestic partner of the driver, based on economic or personal hardship to such spouse or domestic partner resulting from the unavailability of the vehicle and after consideration of the threat to public safety that may result from release of the vehicle, including, but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle; or

2. If the registered owner of the vehicle was not the driver, did not know that the driver's license was suspended or revoked and has not received a prior release under this Subsection 11.30.120 C2 or Subsection 11.30.040 A9.

In order to avoid discriminatory application, the Chief of Police and Municipal Court shall deny release without discretion in all circumstances other than for the reasons set forth in this Subsection 11.30.120 C. If such release is authorized, the person redeeming the vehicle still must satisfy the requirements of Section 11.30.120 A and B.

D. Any person seeking to redeem a vehicle impounded as a result of a parking or traffic citation or under Section 12A.10.115 has a right to a hearing before a Municipal Court judicial officer to contest the validity of an impoundment or the amount of removal, towing, and storage charges or administrative fee if such request for hearing is in writing, in a form approved by the Municipal Court and signed by such person, and is received by the Municipal Court within ten (10) days (including Saturdays, Sundays, and holidays) of the latter of the date the notice was mailed to such person pursuant to Section 11.30.100 A or B, or the date the notice was given to such person by the registered tow truck operator pursuant to RCW 46.55.120(2)(a). Such hearing shall be provided as follows:

Section 10. Subsections A and B of Section 11.46.010 of the Seattle Municipal Code are amended as follows:

11.46.010 Areas of operation.

A. Except as otherwise provided in this chapter, ((gas)) motorized foot scooters may be operated on roadways, shoulders, and alleys, but not on sidewalks, bicycle lanes, or public paths.

B. Except as otherwise provided in this chapter, EPAMDs ((and electric motorized foot scooters)) may be operated on roadways, shoulders, sidewalks, and alleys, but not on bicycle lanes, or public paths. Where an arterial street contains a sidewalk, EPAMDs shall be operated only upon the sidewalk and not upon the roadway or shoulder. An EPAMD shall not be operated upon the roadway or shoulder of any highway where the speed limit is greater than 35 miles per hour.

Section 11. Section 11.55.160 of the Seattle Municipal Code is amended as follows:

11.55.160 Entering space - Angle parking.

Operators of vehicles shall enter angle parking spaces only from the side of the main traveled portion of the road (roadway) which is adjacent to such space.

Section 12. Section 11.57.040 of the Seattle Municipal Code is amended as follows:

11.57.040 Foot pegs.

No person shall operate a motorcycle not equipped with foot pegs or an additional bucket seat and seat belt meeting standards prescribed under 49 C.F.R. Part 571 (of a type approved by the State Commission on Equipment) for each person such motorcycle is designed to carry. (RCW 46.61.610)

Section 13. Subsection A of Section 11.57.100 of the Seattle Municipal Code is amended as follows:

11.57.100 Mirrors.

A. No person shall operate a motorcycle, moped or motor-driven cycle not equipped with mirrors on the left and right sides (of the handlebars) which shall be so located as to give the operator a complete view of the street or alley for a distance of at least two hundred (200) feet to the rear of the motorcycle, moped or motor-driven cycle.

Section 14. Section 11.57.120 of the Seattle Municipal Code is amended as follows:

11.57.120 Goggles or face shield.

No person shall operate a motorcycle, moped or motor-driven cycle which does not have a windshield unless wearing (he wears) glasses, goggles, or a face shield of a type approved by the Washington State Patrol ((Commission on Equipment)). (RCW 46.37.530(1)(b))

Section 15. A new section is added to Seattle Municipal Code Chapter 11.57 as follows:

11.57.300 Helmets.

A. It is unlawful for any person to operate or ride upon a motorcycle, moped or motor-driven cycle on a street unless wearing upon his or her head a motorcycle helmet, except when the vehicle is an antique motor-driven cycle or when the vehicle is equipped with a steering wheel, seat belts that conform to standards prescribed under 49 C.F.R. Part 571 and a partially or completely enclosed seating area for the driver and passenger that is certified by the manufacturer as meeting the standards prescribed under 49 C.F.R. Section 571.216. The motorcycle helmet neck or chin strap must be fastened securely while the motorcycle, moped or motor-driven cycle is in motion. Persons operating electric-assisted bicycles and motorized foot scooters shall comply with all laws and regulations related to the use of bicycle helmets.

B. It is unlawful for any person to transport a child under the age of five (5) years on a motorcycle or motor-driven cycle.

C. For purposes of this section, "motorcycle helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with the manufacturer's certification applied in accordance with 49 C.F.R. Section 571.218 indicating that the motorcycle helmet meets standards established by the United States Department of Transportation. (RCW 46.37.530)

Section 16. Section 11.58.008 of the Seattle Municipal Code is amended as follows:

11.58.008 Inattention.

((A:)) No person shall operate a vehicle in an inattentive manner over and along the streets, alleys or ways open to the public of this City. For the purpose of this section, "inattentive manner" means such a manner so as to fail to maintain a careful lookout for persons or property in the direction of travel.

((B: The offense of operating a vehicle in an inattentive manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a negligent manner, and any person charged with operating a vehicle in a negligent manner may be convicted of the lesser offense of operating a vehicle in an inattentive manner.))

Section 17. Subsections A and B of Section 11.58.198 of the Seattle Municipal Code are amended as follows:

11.58.198 Safety belts required.

A. For the purposes of this section, the term "motor vehicle" includes:

1. "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten (10) passengers;

2. "Medium-speed electric vehicle," meaning a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll-over or crush-proof body design, whose speed attainable in one (1) mile is more than thirty (30) miles per hour but not more than thirty-five (35) miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Section 571.500;

3. "Motorcycle," meaning a three-wheeled motor vehicle that is designed so that the driver rides on a seat on a partially or completely enclosed seating area that is equipped with safety belts and to be steered with a steering wheel;

4. "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten (10) persons or fewer (less), that are constructed either on a truck chassis or with special features for occasional off-road operation;

5. "Neighborhood electric vehicle," meaning a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one (1) mile is more than twenty (20) miles per hour and not more than twenty-five (25) miles per hour and conforms to federal regulations under 49 C.F.R. Section 571.500;

6. ((B:)) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten (10) passengers or fewer (less); and

7. ((4:)) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

B. This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in 49 C.F.R. Section 571.208, motorcycles, when equipped with safety belts that meet the standards set forth in 49 C.F.R. Part 571, and neighborhood electric vehicles and medium-speed electric vehicles that meet the seat belt standards as set forth in 49 C.F.R. Section 571.500 ((Federal Motor Vehicle Safety Standard 208)). This section does not apply to a motor vehicle occupant for whom no safety belt is available when all designated seating positions as required under 49 C.F.R. Part 571 ((by Federal Motor Vehicle Safety Standard 208)) are occupied.

Section 18. Section 11.84.150 of the Seattle Municipal Code is amended as follows:

11.84.150 Application of tinting or coloring material.

A. No film screening or coloring material that reduces light transmittance to any degree may be applied to the surface of the safety glazing material in a motor vehicle unless it meets the following standards for such material:

1. The maximum level of net film sunscreening (material) to be applied to any window, except the windshield, shall have a total reflectance of thirty-five percent (35%) or less, (plus or minus three percent (3%)) and a light transmission of twenty-four percent (24%) ((thirty-five percent (35%) or more, plus or minus three percent (3%), when measured against clear glass resulting in a minimum of twenty-two percent (22%) light transmission on AS-2 glazing)) where the vehicle is equipped with outside rearview mirrors on both the right and left. Installation of more than a single sheet of film sunscreening material to any window is prohibited. ((The same maximum levels of film sunscreening material may be applied to windows to the immediate right and left of the driver on))

2. Hearse, collector vehicles, limousines and passenger buses used to transport persons for compensation, ambulances, rescue squad vehicles, any other emergency vehicle licensed under RCW 18.73.130 that is used to transport patients and any vehicle ((vehicles)) identified by the manufacturer as a truck, motor home or multipurpose passenger vehicle as defined in C.F.R. section 571.3 ((multi-use, multipurpose, or other similar designation. All windows to the rear of the driver on such vehicles)) may have net film sunscreening (material) applied on any window to the rear of the driver that has less than twenty-four percent (24%) ((thirty-five percent (35%))) light transmittance, if the total reflectance is thirty-five percent (35%) or less and the vehicle is equipped with outside rearview mirrors on both the right and left.

3. A person or business tinting windows for profit who tints windows within restricted areas of the glazing system shall supply a sticker to be affixed to the driver's door post, in the area adjacent to the manufacturer's identification tag. Installation of this sticker certifies that the glazing application meets this chapter's standards for light transmission, reflectance, and placement requirements. Stickers must be no smaller than three-quarters of an inch (3/4") by one and one-half inches (1 1/2"), and no larger than two inches (2") by two and one-half inches (2 1/2"). The stickers must be of sufficient quality to endure exposure to harsh climate conditions. The business name and state tax identification number of the installer must be clearly visible on the sticker.

4. ((2:)) A greater degree of light reduction is permitted on all windows and the top six inches (6") of windshields of a vehicle operated by or carrying as a passenger a person who possesses a written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

5. ((B: Windshield application:)) A greater degree of light reduction is permitted along the top edge of the windshield as long as the product is transparent and does not extend into the AS-1 portion of the windshield or extend more than six inches (6") from the top of the ((on the top six-inch (6") area of a vehicle's)) windshield. Clear film sunscreening material that reduces or eliminates ultraviolet light may be applied to windshields.

6. ((4:)) When film sunscreening material is applied to any window except the windshield, outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view of the roadway, through each mirror, a distance of at least two hundred feet (200') to the rear of the vehicle.

7. ((5:)) The following types of film sunscreening material are not permitted:

- a. Mirror finish products;
- b. Red, gold, yellow, or black material; or
- c. Film sunscreening material that is in liquid preapplication form and brushed or sprayed on.

B. The side and rear windows of law enforcement vehicles are exempt from the requirements of subsection A of this section.

C. Nothing in this section prohibits:

1. The ((the)) use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet federal standards ((and the standards of the State Patrol)) for such safety glazing materials.

2. The use and placement of federal, state or local certificates or decals on any window as required by applicable laws or regulations. However, any such certificate must be of a size and placed on the motor vehicle so as not to impair the ability of the driver to safely operate the motor vehicle.

3. Sunscreening devices to be applied to any window behind the driver provided that the devices reduce the driver's area of vision uniformly and by no more than fifty percent (50%), as measured on a horizontal plane. If sunscreening devices are applied to the rear window, the vehicle must be equipped with outside rearview mirrors on both the left and right.

4. Recreational products, such as toys, cartoon characters, stuffed animals, signs and any other vision-reducing article or material to be applied to or placed in windows behind the driver provided they do not interfere, in their size or position, with the driver's ability to see other vehicles, persons or objects.

D. For purposes of this section:

1. "Light transmission" means the ratio of the amount of total visible light, expressed in percentages, that is allowed to pass through the sunscreening or coloring material to the amount of total visible light falling on the motor vehicle window.

2. "Net film sunscreening" means the total sunscreening or coloring material applied to the window that includes both the material applied by the manufacturer during the safety glazing and any film sunscreening or coloring material applied after the vehicle is manufactured.

3. "Reflectance" means the ratio of the amount of total light, expressed in percentages, that is reflected outward by the sunscreening or coloring material to the amount of total light falling on the motor vehicle window.

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4. "Safety ((The term "safety")) glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

E. No person shall operate on a street or alley a vehicle that is equipped with film sunscreening or coloring material in violation of this section. (RCW 46.37.430)

Section 19. Section 11.84.280 of the Seattle Municipal Code is repealed.

Section 20. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 7th day of December, 2009, and signed by me in open session in authentication of its passage this 7th day of December, 2009.

Richard Conlin
President of the City Council

Approved by me this 11th day of December, 2009.

Gregory J. Nickels, Mayor

Filed by me this 15th day of December, 2009.

Publication ordered by the City Clerk
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