

ORDINANCE NO. 10911

AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO TRAFFIC REGULATION, REPEALING ORDINANCE NUMBER 10547, RE-ADOPTING THE MODEL TRAFFIC ORDINANCE (MTO) AS CONTAINED IN THE WASHINGTON ADMINISTRATIVE CODE, CHAPTER 308-330, RE-ADOPTING CHAPTERS 11.33, 11.36, and 11.39 OF THE BELLINGHAM MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bellingham has previously adopted by reference certain provisions of the Model Traffic Ordinance ("MTO") as contained in the Washington Administrative Code Chapter 308-330, and the City needs to re-enact the provisions of the MTO as provided in Ch. 308-330 WAC together with provisions previously deleted by the City as constituting criminal traffic offenses in order to have the ability to prosecute and adjudicate all misdemeanors and gross misdemeanors in the Bellingham Municipal Court; and

WHEREAS, the current ordinance, Bellingham Ordinance Number 10547, did not adopt criminal traffic offenses.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN AS FOLLOWS:

Section 1. Sections 1, 2, and 3 of Bellingham Ordinance No. 10547, adoption of the Model Traffic Ordinance as set forth in WAC Ch. 308-330, passed by Council June 20, 1994 are hereby repealed.

Section 2. Adoption by Reference. The "Washington Model Traffic Ordinance," ("MTO"), Washington Administrative Code Chapter 308-330, is hereby re-adopted by reference as the traffic ordinance of the City of Bellingham as if set forth, in full, except as provided herein.

Section 3. Sections Not Adopted. The following sections of the MTO, Chapter 308-330 WAC, are not adopted by reference and are expressly deleted:

- WAC 308-330-322 Transportation of hazardous materials
- WAC 308-330-330 Motor vehicle wreckers
- WAC 308-330-375 Disposition of abandoned and junk motor vehicles
- WAC 308-330-430 Obedience to angle-parking signs and markings
- WAC 308-330-433 Parking not to obstruct traffic
- WAC 308-330-436 Parking for certain purposes unlawful
- WAC 308-330-439 Standing in passenger loading zone
- WAC 308-330-442 Standing in loading zone
- WAC 308-330-445 Standing in a tow away zone
- WAC 308-330-448 Violating permits for loading or unloading at an angle to the curb

- WAC 308-330-451 Standing or parking on one-way roads
- WAC 308-330-454 Stopping, standing or parking of buses and taxicabs regulated
- WAC 308-330-457 Restricted use of bus stops and taxicab stands
- WAC 308-330-460 Right of way for parking
- WAC 308-330-462 Stopping, standing and parking
- WAC 308-330-500 Bicycle license required
- WAC 308-330-505 Bicycle license application
- WAC 308-330-510 Issuance of bicycle license
- WAC 308-330-515 Attachment of bicycle license plate or decal
- WAC 308-330-520 Inspection of bicycles
- WAC 308-330-525 Renewal of bicycle license
- WAC 308-330-530 Bicycle transfer of ownership
- WAC 308-330-535 Bicycle rental agencies
- WAC 308-330-600 Parking meter spaces
- WAC 308-330-610 Parking meters - deposit of coins and time limits
- WAC 308-330-620 Parking meters - use of slugs prohibited
- WAC 308-330-630 Tampering with parking meter
- WAC 308-330-640 Parking meters - Rule of evidence
- WAC 308-330-650 Parking meters - Application of proceeds
- WAC 308-330-660 Service parking
- WAC 308-330-720 Citation on illegally parked vehicle
- WAC 308-330-730 Failure to comply with traffic citation attached to parked vehicle
- WAC 308-330-740 Presumption in reference to illegal parking
- WAC 308-330-825 Littering

Section 4. Sections Adopted In Part. The following sections of the MTO, Chapter 308-330 WAC, are adopted in part, as follows:

WAC 308-330-325 Accidents, reports. The following sections of the Revised Code of Washington (RCW) pertaining to accidents and accident reports as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088 and 46.52.090.

The remaining section is hereby deleted as follows: RCW 46.52.100

WAC 308-330-408 Traffic laws, signs, signals, markings. The following sections of the Revised Code of Washington (RCW) pertaining to obedience to and effect of traffic laws, traffic signs, signals and markings as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.005, 46.61.015, 46.61.020, 46.61.021, 46.61.022, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.072, 46.61.075, 46.61.080, 46.61.085, and 46.61.220.

The remaining section is hereby deleted as follows: RCW 46.61.024

Section 5. Readoption. The following Chapters of Title 11 of the Bellingham Municipal Code are hereby re-adopted by reference as if setforth herein in full: Bellingham Municipal Code Chapters 11.33, 11.36, and 11.39.

Section 6. Savings Clause. The enactment of this ordinance does not affect any pending or existing litigation or the ability to cite an individual for an infraction or crime committed prior to the repeal of the existing criminal ordinance although charges may not have been filed with the Municipal Court and does not operate as an abatement or bar to any action or proceeding pending under or by virtue of the City's current local traffic ordinance.

Section 7. Severability Clause. If any provision of this title or its application or circumstances is held invalid, the remainder of the title or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.

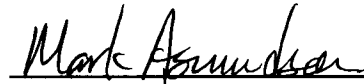
Section 8. Effective Date. This ordinance shall take effect from and after December 30, 1997.

PASSED by Council this 8th day of December, 1997.

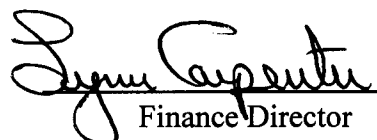


Council President

APPROVED by me this 17 day of December 1997.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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CITY OF BELLINGHAM, WASHINGTON

ORDINANCE NUMBER: 10911

COUNCIL BILL NUMBER: 12339

AGENDA BILL NUMBER: 13328

AGENDA BILL INTRODUCED: 12.1.98

FIRST & SECOND READINGS: 12.1.97

THIRD & FINAL READING: 12.8.97

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cc: Kerry / Legal
Paula / Council
Mail to MRSC

