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ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2922

AN ORDINANCE revising Title 11, VEHICLES AND TRAFFIC, of the Bellevue City Code; Repealing Ordinance No. 2523 §§ 2, 3, 6, 7-12, 14 & 15, Ordinance No. 2052 § 1 (Part), Ordinance No. 2752 §§ 3 and 6, Ordinance No. 955 § 1, Ordinance No. 640 §§ 5 and 7 (Part), Ordinance 2598 § 1, Ordinance No. 2533 §§ 14 and 18 and Ordinance No. 2655 § 1, Ordinance No. 1841 § 5, Ordinance No. 2533 § 5; Repealing Bellevue City Code sections 11.82.004, 11.82.008, 11.82.012, 11.82.016, 11.82.020, 11.82.037, 11.82.044, 11.82.052, 11.82.061, 11.82.098, 11.82.160, 11.26.090, 11.48.180, 11.44.010, 11.48.240, 11.48.200, 11.48.110, 11.52.070, 11.16.050, 11.36.020, Chapter 11.53; Amending Bellevue City Code section 1.16.010 and Ordinance No. 2079, Ordinance No. 2533 § 1 and Bellevue City Code §§ 11.16.010 - 11.16.030 and §§ 11.16.060 and 11.16.070; Ordinance No. 2533 § 10 and Bellevue City Code section 11.48.160; Recodifying Bellevue certain sections of the Bellevue City Code; Adopting by reference Chapter 46.90 RCW, with certain deletions, entitled the "Washington Model Traffic Ordinance;" Adopting new sections 11.08.040 and 11.08.030, both of the Bellevue City Code; Adopting by reference chapter 46.63 RCW entitled "Disposition of Traffic Infractions;" Adopting a new Chapter 11.23 of the Bellevue City Code; making certain sections of Title 11, of the Bellevue City Code traffic infractions.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The following City of Bellevue ordinances and Bellevue City Code Sections are hereby repealed:

- a. Ordinance No. 2523 § 2
- b. Ordinance No. 2052 § 1 (Part adopting RCW chapter 46.04)
- c. Bellevue City Code section 11.82.004
- d. Ordinance No. 2523 § 3
- e. Bellevue City Code section 11.82.008
- f. Ordinance No. 2523 § 6
- g. Ordinance No. 2052 § 1 (Part adopting RCW chapter 46.12)

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- h. Bellevue City Code section 11.82.012
- i. Ordinance No. 2523 § 7
- j. Ordinance No. 2052 § 1 (Part adopting RCW chapter 46.16)
- k. Bellevue City Code section 11.82.016
- l. Ordinance No. 2523 § 8
- m. Ordinance No. 2052 § 1 (Part adopting RCW chapter 46.20)
- n. Bellevue City Code section 11.82.020
- o. Ordinance No. 2523 § 9
- p. Ordinance No. 2052 § 1 (Part adopting RCW chapter 46.37)
- q. Bellevue City Code section 11.82.037
- r. Ordinance No. 2523 § 10
- s. Ordinance No. 2052 § 1 (Part adopting RCW chapter 46.44)
- t. Bellevue City Code section 11.82.044
- u. Ordinance No. 2523 § 11
- v. Ordinance No. 2052 § 1 (Part adopting RCW chapter 46.52)
- w. Bellevue City Code section 11.82.052
- x. Ordinance No. 2752 § 3, 6
- y. Ordinance No. 2523 § 12
- z. Ordinance No. 2052 § 1 (Part adopting RCW chapter 46.61))
- aa. Bellevue City Code section 11.82.061
- bb. Ordinance No. 2523 § 14
- cc. Bellevue City Code section 11.82.098
- dd. Ordinance No. 2523 § 15
- ee. Ordinance No. 2052 § 1 (Part adopting miscellaneous chapters RCW)
- ff. Bellevue City Code section 11.82.160
- gg. Bellevue City Code section 11.26.090
- hh. Ordinance No. 955 § 1
- ii. Ordinance No. 640 § 5 (Part)
- jj. Bellevue City Code section 11.48.180
- kk. Ordinance No. 2598 § 1
- ll. Bellevue City Code section 11.44.010
- mm. Ordinance No. 2533 § 18
- nn. Bellevue City Code section 11.48.240
- oo. Ordinance No. 2533 § 14
- pp. Bellevue City Code section 11.48.200
- qq. Ordinance No. 1841 § 5
- rr. Bellevue City Code section 11.48.110
- ss. Ordinance No. 640 § 5 (Part)
- tt. Bellevue City Code Chapter 11.53
- uu. Ordinance No. 640 § 7 (Part)
- vv. Bellevue City Code section 11.52.070
- ww. Ordinance No. 2655 § 1
- xx. Bellevue City Code section 11.36.020

Section 2. The "Washington Model Traffic Ordinance," chapter 46.90 RCW, hereinafter referred to as the "MTO," is hereby adopted by

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reference as and for part of the traffic ordinance of the City of Bellevue, codified as Title 11 of the Bellevue City Code, as if set forth in full herein except as provided in Section 3.

Section 3. The following sections or portions of sections of the MTO are not adopted by reference and are expressly deleted:

RCW 46.90.142
RCW 46.90.145
RCW 46.90.148
RCW 46.90.172
RCW 46.90.225
RCW 46.90.250
RCW 46.90.255
RCW 46.90.400
RCW 46.90.418
RCW 46.90.469
RCW 46.90.472
RCW 46.90.500
RCW 46.90.505
RCW 46.90.510
RCW 46.90.515
RCW 46.90.520
RCW 46.90.525
RCW 46.90.530
RCW 46.90.535
RCW 46.90.540
RCW 46.90.555
RCW 46.90.560
RCW 46.90.600
RCW 46.90.610
RCW 46.90.620
RCW 46.90.630
RCW 46.90.640
RCW 46.90.650
RCW 46.90.660
RCW 46.90.710

That portion of RCW 46.90.427 adopting RCW 46.61.502, RCW 46.61.504, RCW 46.61.506 and RCW 46.61.515 by reference.

Section 4. Unless another penalty is expressly provided by law in the MTO or in the statutes that are adopted by reference therein, or by Chapter 46.63 RCW or by City Ordinance any person who is convicted of violating or failing to comply with any of the provisions of Title 11 of the Bellevue City Code shall be guilty of a misdemeanor.

Section 5. Bellevue City Ordinance No. 2079 and Bellevue City Code section 1.16.010 is hereby amended to read as follows:

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1.16.010 Enforcement terms defined.

The following words, when ever used in the ordinances in the city, shall be construed as defined in this section unless from the context a different meaning is specifically defined:

- A. "Crime" means any offense which is punishable either by imprisonment or by a fine or such penalties as imposed by a court of law.
- B. "Offense" means any act or omission which violates any ordinance for which a penalty may be prescribed or remedy may be granted.
- C. "Misdemeanor" means any crime punishable by fine not exceeding \$350.00, or imprisonment not to exceed 90 days, or both, unless otherwise specifically defined.
- D. "Gross misdemeanor" means any crime punishable by a fine not exceeding \$500.00, or imprisonment not exceeding 180 days, or both.
- E. "Traffic infraction" means an offense under of the provisions of Title 11 of this code, for which monetary penalty may be imposed pursuant to RCW 46.63 et. seq.
- F. "Public officer" has its ordinary meaning and includes all assistants, deputies, clerks and employees of any public officer and all persons exercising any of the lawful powers or functions of a public officer.

Section 6. Section 11.48.210 shall be recodified as section 11.08.020.

Section 7. Chapter 46.63 RCW, DISPOSITION OF TRAFFIC INFRACTIONS, is hereby adopted by reference as if set forth herein in full.

Section 8. A new section 11.08.040 is adopted to read as follows:

The provisions of Bellevue City Code Title 11, Vehicles and Traffic, shall apply to acts taking place over and along the streets of this city or ways open to the public except:

- (1) Where a different place is specifically referred to in a given section.
- (2) The provisions of RCW 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090 and 46.61.500 through 46.61.515 or their equivalent under City ordinance shall apply upon streets, ways open to the public and elsewhere throughout the City.

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Section 9. Ordinance No. 2533 § 1 and Bellevue City Code section 11.16.010 are hereby amended to read as follows:

11.16.010 Created - Bail, monetary penalty schedules.

The City manager may establish a violations bureau to assist the court with the clerical work of traffic and criminal cases. The bureau shall be in charge of such person or persons and shall be open at such hours as the city manager may designate.

The court shall designate the specified offenses under the ordinances of this city in respect to which payment of bails or payment of monetary penalties may be accepted by the violations bureau in satisfaction thereof, and shall specify by suitable schedules the amount of such bails or monetary penalties for first, second and subsequent offenses; provided such bails or monetary penalties are within the limits declared by law or ordinance, and shall further specify what number of such offenses shall require appearance before the court.

Section 10. Ordinance No. 2533 § 2 and Bellevue City Code Section 11.16.020 are hereby amended to read as follows:

11.16.020 Person charged may elect to forfeit bail, pay monetary penalty or appear in court - Receipt.

Any person charged with an offense for which payment of bail or monetary penalty may be made to the violations bureau in satisfaction thereof as specified by the court shall have the option of forfeiting such bail or paying said monetary penalty within the time specified in the notice of arrest or notice of traffic infraction at the violations bureau upon waiving appearance in court; or may have the option of depositing required lawful bail and shall be entitled to a trial or hearing as authorized by law.

The bureau, upon accepting the prescribed bail or monetary penalty, shall issue a receipt to the violator acknowledging payment thereof.

Section 11. Ordinance No. 2533 § 3 and Bellevue City Code Section 11.16.30 are hereby amended to read as follows:

11.16.030 Duties of bureau

The following duties are imposed upon the violations bureau:

- A. Forfeiture Procedure. Accept designated bail or monetary penalty and issue receipts for forfeitures of bail or payment of monetary penalty.
- B. Court Procedure. Accept designated bail and issue receipts; accept application for personal recognizance releases, and transfer to the court, with the time of appearance on bail

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receipt or personal recognizance release, those offenses where forfeiture is not authorized by the court or where defendants request a court hearing;

- C. Records. Keep an easily accessible record of all citations issued, and all charges filed by the city against any person. Such record shall be kept both alphabetically and by citation number. Such files shall accumulate for at least a five-year period and such files shall be kept complete for at least the most recent five-year period.

Section 12. Ordinance No. 2533 § 5 as codified in Bellevue City Code Section 11.16.050 is hereby repealed.

Section 13. Ordinance No. 2533 § 6 and Bellevue City Code Section 11.16.060 are hereby amended to read as follows:

11.16.060 Disposition of traffic fines, forfeitures and monetary penalties.

All fines, forfeitures or monetary penalties collected upon conviction, the forfeiture of bail, or payment of a monetary penalty of any person charged with a violation of any of the provisions of this title shall be paid into the general fund of the city.

Section 11.16.060 shall be recodified as Section 11.16.050.

Section 14. Ordinance No. 2533 § 7 and Bellevue City Code Section 11.16.070 are amended to read as follows:

11.16.070 Official misconduct.

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine, forfeiture of bail or monetary penalties either before or after a deposit in the city general fund, to comply with the provisions of Section 11.20.050 shall constitute misconduct in office and shall be ground for removal therefrom, provided appropriate removal action is taken pursuant to state law relating to removal of public officials.

Section 11.16.070 shall be recodified as Section 11.16.060.

Section 15. A new Bellevue City Code Section 11.08.030 is hereby adopted as follows:

11.08.030 When complaint to be issued - Failure to respond to notice - Misdemeanor.

In the event any person fails to comply with a notice given to such person or attached to a vehicle or fails to make appearance

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pursuant to a summons directing an appearance in the violations bureau, or if any person fails or refuses to deposit bail or pay monetary penalties as required and within the time permitted by ordinance, the city attorney may file a complaint against such person and secure a warrant for his arrest. A failure to respond to a notice to appear in or to contact the violations bureau is a misdemeanor.

Section 16. The following sections of the Bellevue City Code are recodified as follows:

<u>Old Number</u>	<u>New Number</u>
11.48.020	11.26.090
11.98.010	11.26.100
11.98.020	11.26.110
11.98.030	11.26.120
11.98.040	11.26.130
11.98.050	11.26.140
11.98.060	11.26.150
11.98.070	11.26.160
11.98.080	11.26.170

Section 17. Chapter 11.24 Bellevue City Code is hereby retitled Parades, Processions and Permits.

Section 18. Bellevue City Code section 11.28.020 is hereby recodified as section 11.24.080.

Section 19. Bellevue City Code section 11.52.080 is hereby recodified as Section 10.14.050. Violation of this section is a misdemeanor.

Section 20. Bellevue City Code section 11.76.020 is hereby recodified as Section 11.24.090.

Section 21. A new Chapter 11.23 is hereby adopted to be entitled Parking.

Section 24. The following sections are hereby recodified as follows:

<u>Old Section</u>	<u>New Section</u>
11.88.010	11.23.010
11.48.230	11.23.020
11.22.020	11.23.030
11.68.010	11.23.040
11.68.020	11.23.050
11.88.300	11.23.060
11.88.400	11.23.070
11.88.420	11.23.080

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11.90.010	11.23.090
11.90.020	11.23.100
11.90.030	11.23.110
11.90.040	11.23.120
11.90.050	11.23.130
11.90.060	11.23.140
11.90.070	11.23.150
11.90.080	11.23.160
11.90.090	11.23.170
11.94.010	11.23.180
11.94.020	11.23.190
11.94.030	11.23.200

Section 25. Violation of Bellevue City Code sections 11.48.030, 11.48.040, 11.48.060, 11.48.070, 11.48.090 11.48.130, and 11.48.150, shall be a traffic infraction.

Section 26. Bellevue City Code section 11.48.160 is hereby amended to read as follows:

11.48.160 Permitting Unlawful Use of Dealer Plates.

It is unlawful for any motor vehicle dealer to loan, authorize or permit the use of dealer plates by any person not entitled to the use thereof, or to authorize or permit the use of any vehicle equipped with dealer plates except as permitted by RCW 46.70.090.

Section 27. If any provision of this ordinance or its application, any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 28. This ordinance is a compilation, recodification and amendment to the Bellevue City Code. Any statute or ordinance readopted by reference, or otherwise, shall be deemed a continuance of previous ordinances and said readoption shall have no effect on citations or complaints issued prior to the effective date of this ordinance, nor on any act performed or omitted prior to the effective date hereof and for the purpose of disposition or trial of prior issued citations, complaints or prior committed or omitted acts previous ordinances shall remain in effect.

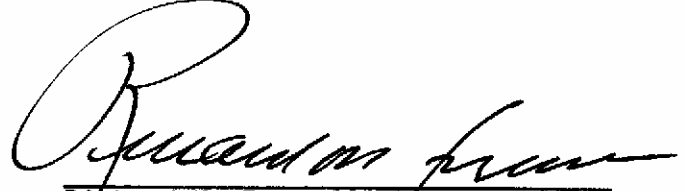
Section 29. Repeal or amendment of any ordinance by this ordinance shall have no effect on previously issued citations or complaints nor on acts committed or omitted prior to the effective date of this ordinance and said repealed or amended sections shall remain in effect as to those citations, complaints and acts only.

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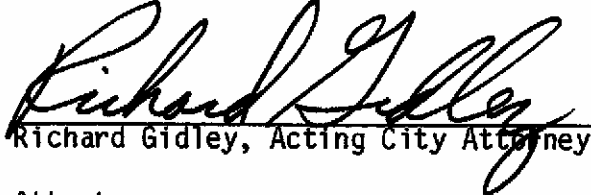
Section 30. This ordinance is necessary for the immediate preservation of the public peace, health and safety and an emergency is declared to exist because state statutes become effective on January 1, 1981 and this ordinance shall be effective from and after the 1st day of January, 1981.

PASSED by the City Council this 15 day of December, 1980, and signed in authentication of its passage this 15 day of December, 1980.

(SEAL)


Richard M. Foreman, Mayor

Approved as to form:


Richard Gidley, Acting City Attorney

Attest:


Patricia K. Weber, City Clerk

Published December 17, 1980