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WP0345C-ORD  
06/28/94

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4671

AN ORDINANCE repealing Ordinance No. 2922, Sections 2, 3, 4, and 7; Ordinance No. 3093, Section 2; and Ordinance No. 3343, Section 2, and Sections 11.80.010 through 11.80.040, inclusive, of the Bellevue City Code; adopting by reference certain sections of the 1994 Omnibus Drunk Driving Act; adopting by reference certain sections of Washington Administrative Code Chapter 308-330 (the Washington Model Traffic Ordinance); adding new sections 11.80.010 through 11.80.040 inclusive to the Bellevue City Code; and declaring an emergency which requires the ordinance be immediately effective.

WHEREAS, the state legislature has provided that Ch. 46.90 RCW, which contained the Washington Model Traffic Ordinance, will expire on July 1, 1994; and,

WHEREAS, the provisions of the Washington Model Traffic Ordinance have been readopted in the Washington Administrative Code in Ch. 308-330 WAC, which will become effective on July 1, 1994; and

WHEREAS, the state legislature has enacted Chapter 275, Laws, 1994, relating to crimes involving alcohol, drugs, or mental problems, amending certain chapters of the RCW, including 46.61 and 46.20;

WHEREAS, the purpose of these amendments is to encourage highway safety, increase penalties for certain offenses, and promote uniformity of traffic laws; and

WHEREAS, these amendments are scheduled to take effect on July 1, 1994; and

WHEREAS, an emergency exists in that delay in the effective date of the City of Bellevue's adoption of these provisions would result in a lack of uniformity with state law, and an inability of the City's own experienced prosecutors to charge and prosecute violations of these laws, and an unacceptable increase in the workload of King County prosecutors to charge and prosecute violations of these laws; now, therefore,

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

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Section 1. Sections 2, 3, 4 and 7 of Ordinance No. 2922, Section 2 of Ordinance No. 3093, Section 2 of Ordinance No. 3343, and Sections 11.80.010, 11.80.020, 11.80.025, 11.80.030, and 11.80.040 of the Bellevue City Code are hereby repealed.

Section 2. A new Section 11.80.010 is added to Chapter 11.80 of the Bellevue City Code to read as follows:

**11.80.010 Model Traffic Ordinance adopted.**

The "Washington Model Traffic Ordinance," (hereafter "MTO") Ch. 308-330 WAC, is hereby adopted by reference as the traffic ordinance of the City of Bellevue as if set forth in full herein except as provided in Section 11.80.020 of this Chapter.

Section 3. A new Section 11.80.020 is added to Chapter 11.80 of the Bellevue City Code to read as follows:

**11.80.020 Sections deleted.**

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

WAC 308-330-142	WAC 308-330-525
WAC 308-330-145	WAC 308-330-530
WAC 308-330-148	WAC 308-330-535
WAC 308-330-172	WAC 308-330-540
WAC 308-330-225	WAC 308-330-555
WAC 308-330-250	WAC 308-330-560
WAC 308-330-255	WAC 308-330-600
WAC 308-330-400	WAC 308-330-610
WAC 308-330-469	WAC 308-330-620
WAC 308-330-472	WAC 308-330-630
WAC 308-330-500	WAC 308-330-640
WAC 308-330-505	WAC 308-330-650
WAC 308-330-510	WAC 308-330-660
WAC 308-330-515	WAC 308-330-710
WAC 308-330-520	

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Section 4. A new Section 11.80.030 is added to Chapter 11.80 of the Bellevue City Code to read as follows:

**11.80.030 Omnibus Drunk Driving Act adopted.**

The following sections of Chapter 275 of Laws, 1994, as adopted by the state legislature are specifically adopted by reference as if fully set forth herein:

Section 4	Section 10
Section 5	Section 11
Section 6	Section 12
Section 7	Section 23

Section 5. A new Section 11.80.040 is added to Chapter 11.80 of the Bellevue City Code to read as follows:

**11.80.040 Violation -- Penalty.**

Unless another penalty is expressly provided by law in the MTO or in the statutes that are adopted by reference therein, or by RCW Chapter 46.20, 46.61, or 46.63, any person who is convicted of violating or failing to comply with any of the provisions of Title 11 of the Bellevue City Code is guilty of a misdemeanor.


Section 6. The City Council of the City of Bellevue hereby expressly declares that an emergency exists in that RCW Chapter 46.90 as previously adopted by the City of Bellevue at Chapter 11.80 of the Bellevue City Code will no longer be in effect as of July 1, 1994, resulting in a lack of uniformity between the City Code and state law, and because the City's Prosecutor will not be able to charge or prosecute offenders under the MTO until this ordinance takes effect, resulting in an unacceptable burden upon the King County Prosecutor's office in handling these cases. This ordinance will therefore take effect at the time of enactment by the City Council.

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PASSED by a vote of a majority plus one of the entire membership of the City Council this 5th day of July, 1994, and signed in authentication of its passage this 5th day of July, 1994.

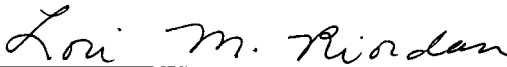
(SEAL)

  
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Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
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Susan R. Irwin, City Prosecutor

  
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Lori M. Riordan, Assistant City Attorney

Attest:

  
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Myrna L. Basich, City Clerk

Published July 8, 1994

**FILED IN CITY CLERK'S OFFICE - VAULT**

**UPDATED WASHINGTON ADMINISTRATIVE CODE  
TITLE 308.**

**CHAPTER 308-330. WASHINGTON MODEL TRAFFIC ORDINANCE**

**Current through December 31, 1995**