

CITY OF LYNNWOOD

ORDINANCE NO. 1991

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING TITLE 11 OF THE LYNNWOOD MUNICIPAL CODE BY ADOPTING STATE TRAFFIC PROVISIONS BY REFERENCE TO ESTABLISH CITY TRAFFIC OFFENSES AND PENALTIES, AND AMENDING LMC 11.02.060(D) AND REPEALING CERTAIN PROVISIONS OF TITLE 11 OF THE LYNNWOOD MUNICIPAL CODE AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the King County Northeast District Court has recently dismissed two City of Bothell prosecutions based upon the Court's opinion that Bothell did not validly enact certain ordinances adopting the State Model Traffic Ordinance Chapter 46.90 RCW, and

WHEREAS, such challenges are pending with relation to the ordinances of the cities of Bellevue and Mercer Island, and

WHEREAS, the Washington State Legislature has enacted a bill which will repeal the State Model Traffic Code effective July 1, 1994; and

WHEREAS, the Department of Licensing has been directed to enact the State Model Traffic Code by adoption of such statutes as a part of the Washington Administrative Code; and

WHEREAS, such WAC provisions may not be adopted in time to be effective on July 1, 1994, thereby leaving the city with a traffic code that may have no legal authority; and

WHEREAS, the City Council desires to remove any doubt as to the validity of the City of Lynnwood traffic code by readopting and reenacting the state statutory provisions which have comprised the State Model Traffic Code so that further prosecutions will not be placed in jeopardy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. State Statutes Adopted by Reference As City Traffic Code.

A new section is added to Chapter 11.02 of the Lynnwood Municipal Code, to read as follows: 11.02.005 The following state statutes are hereby adopted by reference as and for an ordinance for the City of Lynnwood, as if set forth in full herein

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 47.52.120 VIOLATIONS SPECIFIED - EXCEPTIONS - PENALTY.

Any repeal, revocation or amendment of any state statute adopted by reference herein shall have no effect on the validity of such provision(s) as and for a traffic regulation of the City of Lynnwood.

Section 2. Repealer. 11.02.010, 11.02.012, 11.02.014 and 11.02.070 of the Lynnwood Municipal Code are hereby repealed, provided, that such repeal shall not affect prosecution for any violation of any provision of said code provisions prior to the effective date of this ordinance. No provision of this ordinance shall be construed as abating any action now pending under or by virtue of the code provisions herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm, or corporation.

Section 3. Penalties: Any violations of the provisions of this ordinance shall be as prescribed in Section 11.02.060 of the Lynnwood Municipal Code.

Section 4. Section 11.02.060 amended Subsection 11.02.060(D) of the Lynnwood Municipal Code and section 1 of ordinance 1731 are amended to read as follows:

D. Any person who violates any of the following provisions:

CH 46.12 RCW	Certificates of Ownership;
CH 46.20.021	Driving without a valid driver's license;
CH 46.20.336	Unlawful possession of a driver's license;
CH 46.20.410	Driving in violation of occupational license;
CH 46.20.420	Driving under other license while license suspended;

who has had less than two prior convictions for such offense within the past five (5) years, shall be punished by a fine only in an amount not exceeding Five Hundred Dollars (\$500.00). (Ord. 1842 ssl, 1991)


Section 5. Copies of Statutes Adopted. All state statutes as adopted by Section 1 of this Ordinance are attached to this ordinance as Exhibit A and incorporated herein by this reference as if set forth in full. The statutes so attached are in the form in which they are adopted by Section 1 of this ordinance.

Section 6. Duties of City Clerk. The City Clerk shall authenticate this Ordinance, and the statutes attached hereto as Exhibit A, by signing his name on the signature block provided below, and the Clerk shall record this ordinance and Exhibit A in full in the official ordinance book of the City. One copy of the text of the statutes adopted by reference in this ordinance shall be filed as required by RCW 35A.12.140 for use and examination by the public.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 8. Emergency: This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.


PASSED this 11 th day of April, 1994, and signed in authentication of its passage this 12th day of April, 1994.


TINA ROBERTS, Mayor

ATTEST:


R. W. MOACK, City Clerk

APPROVED AS TO FORM:


City Attorney

PUBLISHED: