

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: D-2

DATE: August 19, 2010

SUBJECT: Model Traffic Ordinance SMC 10.04

CONTACT PERSON: Jeff Brand, Police Chief

ISSUE:

Staff requests that Council review the attached ordinance reference Sultan's Model Traffic Ordinance and information related to its update and give staff direction.

STAFF RECOMMENDATION:

Staff recommends Council direct that SMC 10.04.010 be updated to bring the City of Sultan into compliance with WAC 308-330.

SUMMARY:

The Model Traffic Ordinance (MTO) was originally enacted by the State Legislature in 1975 and later changed to an administrative process in 1993 and is described in Washington Administrative Code (WAC) 308-330

It is the governing document for all aspects of traffic enforcement by the state and municipalities in the State of Washington. Everything from what traffic laws a city will enforce, penalties for traffic violations, traffic engineering and the administration of your police department is included in this WAC.

WAC 308-330 describes the process and verbiage a municipality must use to adopt portions of the Revised Code of Washington, in order to enforce traffic laws. Sultan's Municipal Code 10.04 010, attached below, was adopted in 1978 and updated in 1994, using most of the language required in WAC 308-330.

Based on the current language, SMC 10.04.010 adopted WAC 308-330 in its entirety and all traffic laws in the State of Washington as of 1994. This is problematic as there is no language in our Code to include new traffic laws that have been enacted by the State Legislature and no portion of WAC 308-330 has been excluded so the City of Sultan should have a traffic division, bicycle registration requirements, a traffic engineer, traffic safety commission and much more. Based on the current language in our Code, our police department cannot enforce traffic laws that were written since 1994 because the new laws have not been included in our ordinance.

The proposed changes will add language that automatically adopts all current and new traffic violations and laws and allows for our police department to enforce those laws. It also excludes those portions of WAC 308-330 that the City of Sultan does not wish to or cannot include in our city.

FISCAL IMPACT:

Your police department writes an average of \$28,000 in traffic violations each year including violations for traffic laws that were adopted before 1994 and since that time. Without adopting updated language, Sultan deputies will not be able to write violations for recent traffic laws and the City of Sultan will not be able to collect fines for those violations and crimes.

Sultan will also have to develop a traffic safety commission and have a traffic engineer on staff or available and will have to comply with all the other sections of WAC 308-330. This could potentially cost Sultan thousands of dollars.

ALTERNATIVES:

- Council can choose to leave SMC 10.04.010 as is.
- Council can direct staff to contact Municipal Research Center and other agencies to develop an updated code.
- Council can direct that SMC 10.04.010 be repealed and staff writes a new ordinance that does not reference the Model Traffic Ordinance and only allows the police department to issue infractions and citations for the laws Sultan wants to enforce.

RECOMMENDED ACTION:

Staff recommends Council direct that Sultan Municipal Code 10.04.010 be updated as outlined in the Washington Administrative Code.

ATTACHMENT “A”

Sultan Municipal Code: 10.04

Attachment A

Chapter 10.04 WASHINGTON MODEL TRAFFIC ORDINANCE

Sections:

- [10.04.010](#) Adoption.
- [10.04.015](#) Adoption of state traffic statutes – Infractions.
- [10.04.020](#) Disposition of traffic fines and forfeitures.
- [10.04.030](#) Official misconduct.
- [10.04.040](#) Copies on file.

10.04.010 Adoption.

The Washington Model Traffic Ordinance, Chapter 308-330 WAC, hereinafter referred to as the “MTO,” and amendments thereto are hereby adopted by reference as and for the traffic ordinance of the city of Sultan as if set forth in full in this chapter. (Ord. 615, 1994; Ord. 596, 1993; Ord. 369 § 1, 1978)

10.04.015 Adoption of state traffic statutes – Infractions.

The following state traffic statutes and amendments thereto are hereby adopted by reference as if set forth in full:

- 46.61.050 Obedience to and required traffic control devices.
- 46.61.055 Traffic control signal legend.
- 46.61.060 Pedestrian control signals.
- 46.61.065 Flashing signals.
- 46.61.070 Lane direction control signals.
- 46.61.072 Special traffic control signals – Legend.
- 46.61.075 Display of unauthorized signs, signals or markings.
- 46.61.080 Interference with official traffic control devices or railroad signs or signals.
- 46.61.085 Traffic control signals or devices upon city streets forming part of state highways – Approval by Department of Transportation.
- 46.61.100 Keep right except when passing, etc.
- 46.61.105 Passing vehicles proceeding in opposite directions.
- 46.61.110 Overtaking a vehicle on the left.
- 46.61.115 When overtaking on the right is permitted.
- 46.61.120 Limitations on overtaking on the left.
- 46.61.125 Further limitations on driving to left of center of roadway.
- 46.61.130 No passing zones.
- 46.61.135 One way roadways and rotary traffic islands.
- 46.61.140 Driving on roadways laned for traffic.
- 46.61.145 Following too closely.
- 46.61.150 Driving on divided highways.
- 46.61.155 Restricted access.
- 46.61.160 Restrictions on use of limited access highway – Use by bicyclists.
- 46.61.165 Reservation of portion of highway for use by public transportation vehicles, etc.

46.61.180 Vehicle approaching intersection.
46.61.185 Vehicle turning left.
46.61.190 Vehicle entering stop or yield intersection.
46.61.195 Arterial highways designated – Stopping on entering.
46.61.200 Stop intersections other than arterial may be designated.
46.61.202 Stopping when traffic obstructed.
46.61.205 Vehicle entering highway from private road or driveway.
46.61.210 Operation of vehicles on approach of authorized emergency vehicles.
46.61.215 Highway construction and maintenance.
46.61.230 Pedestrians subject to traffic regulations.
46.61.235 Stopping for pedestrians in crosswalks.
46.61.240 Crossing at other than crosswalks.
46.61.245 Drivers to exercise care.
46.61.250 Pedestrians on roadways.
46.61.255 Pedestrians soliciting rides or business.
46.61.260 Driving through safety zone prohibited.
46.61.261 Pedestrians' right-of-way on sidewalk.
46.61.264 Pedestrians yield to emergency vehicles.
46.61.266 Pedestrians under the influence of alcohol or drugs.
46.61.269 Passing beyond bridge or grade crossing barrier prohibited.
46.61.290 Required position and method of turning at intersections.
46.61.295 "U" turns.
46.61.300 Starting parked vehicle.
46.61.305 Turning, stopping, moving right or left – Signals required – Improper use prohibited.
46.61.310 Signals by hand and arm or signal lamps.
46.61.315 Method of giving hand and arm signals.
46.61.340 Obedience to signal indicating approach of train.
46.61.345 All vehicles must stop at certain railroad grade crossings.
46.61.350 Certain vehicles must stop at all railroad crossings – Exceptions.
46.61.355 Moving heavy equipment at railroad grade crossings – Notice of intended crossing.
46.61.365 Emerging from alley, driveway, or building.
46.61.370 Overtaking or meeting school bus – Duties of bus driver.
46.61.371 Violators of school bus stop sign laws – Identification by vehicle owner.
46.61.372 Violators of school bus stop sign laws – Report by bus driver – Law enforcement investigation.
46.61.375 Overtaking or meeting private carrier bus – Duties of bus driver.
46.61.380 Rules for design, marking and mode of operating school buses.
46.61.385 School patrol – Appointment – Authority – Finance – Insurance.
46.61.400 Basic rule and maximum limits.
46.61.405 Decreases by Secretary of Transportation.
46.61.410 Increases by Secretary of Transportation – Maximum speed limit for trucks – Auto stages – Signs and notices.
46.61.415 When local authorities may alter maximum limits.
46.61.425 Minimum speed regulation – Passing slow moving vehicle.

- 46.61.427 Slow moving vehicle to pull off roadway.
- 46.61.428 Slow moving vehicle permitted to drive on improved shoulders.
- 46.61.430 Authority of Secretary of Transportation to fix speed limits on limited access facilities exclusive – Local regulations.
- 46.61.435 Local authorities to provide “stop” or “yield” signs at intersections with increased speed highways – Designated as arterials.
- 46.61.440 Maximum speed limit when passing school or playground crosswalks.
- 46.61.445 Due care required.
- 46.61.450 Maximum speed, weight, or size in traversing bridges, elevated structures, tunnels, underpasses – Posting limits.
- 46.61.455 Vehicles with solid or hollow cushion tires.
- 46.61.460 Special speed limitation on motor driven cycle.
- 46.61.465 Exceeding speed limit evidence of reckless driving.
- 46.61.470 Speed traps defined, certain types permitted – Measured courses, speed measuring devices, timing from aircraft.
- 46.61.475 Charging violations of speed regulations.
- 46.61.560 Stopping, standing or parking outside business or residence districts.
- 46.61.570 Stopping, standing or parking prohibited in specified places – Reserving portion of highway prohibited.
- 46.61.575 Additional parking regulations.
- 46.61.577 Regulations on governing parking facilities.
- 46.61.581 Indication of parking space for disabled persons – Failure, penalty.
- 46.61.582 Free parking by disabled persons.
- 46.61.583 Special plate or card issued by another jurisdiction.
- 46.61.585 Winter recreational parking areas – Special permit required.
- 46.61.587 Winter recreational parking areas – Penalty.
- 46.61.590 Unattended motor vehicle – Removal from highway.
- 46.61.600 Unattended motor vehicle.
- 46.61.605 Limitations on backing.
- 46.61.606 Driving on sidewalk prohibited – Exception.
- 46.61.608 Operating motorcycles on roadways landed for traffic.
- 46.61.610 Riding on motorcycles.
- 46.61.611 Motorcycles – Maximum height for handlebars.
- 46.61.612 Riding on motorcycles – Both feet not to be on same side.
- 46.61.613 Motorcycles – Temporary suspension of restrictions for parades or public demonstrations.
- 46.61.614 Riding on motorcycles – Clinging to other vehicles.
- 46.61.615 Obstructions to driver’s view or driving mechanism.
- 46.61.620 Opening and closing vehicle doors.
- 46.61.625 Riding in trailers.
- 46.61.630 Coasting prohibited.
- 46.61.635 Following fire apparatus prohibited.
- 46.61.640 Crossing fire hose.
- 46.61.645 Throwing dangerous materials on highway prohibited – Removal.
- 46.61.655 Dropping load, other materials – Covering.
- 46.61.660 Carrying persons or animals on outside part of vehicle.

- 46.61.665 Embracing another while driving.
- 46.61.670 Driving with wheels off roadway.
- 46.61.675 Causing or permitting vehicle to be unlawfully operated.
- 46.61.680 Lowering passenger motor vehicle below legal clearance – Penalty.
- 46.61.687 Child passenger restraint required – Conditions – Penalty for violation – Dismissal – Noncompliance not negligence.
- 46.61.688 Safety belts, use required – Penalties – Exemptions.
- 46.61.690 Violations relating to toll facilities.
- 46.61.700 Parent or guardian shall not authorize or permit violation by a child or ward.
- 46.61.710 Mopeds – General requirements and operation.
- 46.61.720 Mopeds – Safety standards.
- 46.61.730 Wheelchair conveyances.
- 46.61.750 Effect of regulations – Penalty.
- 46.61.755 Traffic laws apply to persons riding bicycles.
- 46.61.758 Hand signals.
- 46.61.760 Riding on bicycles.
- 46.61.765 Clinging to vehicles.
- 46.61.770 Riding on roadways and bicycle paths.
- 46.61.775 Carrying articles.
- 46.61.780 Lamps and other equipment on bicycles.

(Ord. 596, 1993)

10.04.020 Disposition of traffic fines and forfeitures.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter shall be paid into the general fund of the city. (Ord. 369 § 3, 1978)

10.04.030 Official misconduct.

Failure, refusal, neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture of bail, either before or after a deposit in said general fund, to comply with the provisions of SMC [10.04.020](#) constitutes misconduct in office and shall be grounds for removal therefrom; provided, appropriate removal action is taken pursuant to state law relating to removal of public officials. (Ord. 369 § 4, 1978)

10.04.040 Copies on file.

Incident to the adoption of the MTO by reference, by this chapter, copies of the text of the adopted MTO and of other adopted statutes shall be filed as required by RCW 35.21.180 for use and examination by the public. (Ord. 369 § 5, 1978)

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