

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM NO: C-6

DATE: December 16, 2010

SUBJECT: Ordinance 1101-10, Changing the Speed Limit in the 1100 block of East Main Street

CONTACT PERSON: Jeff Brand, Police Chief

ISSUE:

The issue before the city council is to have First Reading of Ordinance No. 1101-10 (Attachment A) to amend Sultan Municipal Code 10.08-010 to reduce the speed limit in the 1100 block of East Main Street from 25 miles per hour to 20 miles per hour.

STAFF RECOMMENDATION:

Have First Reading Ordinance No. 1101-01 to reduce the speed from 25 miles to 20 miles per hour in the 1100 block of East Main Street.

SUMMARY:

Revised Code of Washington (RCW) 46.61.440 regulates the speed for roads in the State of Washington and allow local jurisdictions to create and regulate special zones in these areas.

The Sultan City Council has adopted the Model Traffic Ordinance (MTO) by reference which means Sultan Municipal Code (SMC) 10.04 has adopted the recommended speeds and regulations set forth in RCW Title 46, with the exception of US 2, which has a declared speed limit of 35 miles per hour (SMC 10.08). Revised Code of Washington 46.61.400 and the MTO both recommend speed limits in cities and towns are a maximum of 25 miles per hour (Attachment B).

Earlier this year Wagley Creek Automotive and the businesses on East Main Street have requested the speed limit in the 1100 block of East Main Street be reduced to 20 miles per hour as well. The businesses have asked for this because of the condition of the gravel roadway and problems with employees from local businesses going too fast through the area.

East Main Street is a one block, two lane gravel road that runs east from 11th Street to the back entrance of Romac Industries. Although the road is straight and level, it does have potholes and a drainage ditch on the north side, with no clear curb or border on the south side of the roadway. The road is adjacent to Wagley Creek and has a single culvert crossing that is inadequately sized to serve large delivery vehicles.

As of this time, there has not been a traffic study of the area which serves about five businesses but Public Works staff met with local businesses and has installed stop signs on East Main at 11th Street and on 11th Street at East Main. . The road is used by employees and patrons of the five businesses as well as large vehicles which make regular pickups and deliveries to those businesses.

At the December 2, 2010 Sultan City Council meeting, Council directed staff to revise SMC 10.04 to reflect a speed limit of 20 miles per hour in the 1100 block of East Main Street.

FISCAL IMPACT:

Sultan Public Works already have the needed posts and 20 mile per hour signs so this change will only cost Sultan the labor of installation by Public Works staff.

ALTERNATIVES:

1. Approve the attached ordinance to reduce the speed on East Main Street
2. Direct staff to look at other alternatives and investigate the problems more.

RECOMMENDED ACTION:

Approve the attached ordinance amending SMC 10.08.010, reducing the speed limit on East Main Street.

ATTACHMENTS

- A - Ordinance 1101-10, Amending SMC 10.08.010
- B - Sultan Municipal Code 10.04 Model Traffic Ordinance
 - Sultan Municipal Code 10.08 Maximum Speed Limits on Certain Streets
 - Revised Code of Washington 46.61.415 When Local Authorities May Alter Maximum Limits
 - Revised Code of Washington 46.61.400 Basic Rule and Maximum Limits

CITY OF SULTAN

WASHINGTON

ORDINANCE NO. 1101-10

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, REVISING SULTAN MUNICIPAL ORDINANCE 10.08.010, REDUCING THE SPEED LIMIT IN THE 1100 BLOCK OF EST MAIN STREET FROM 25 MILES PER HOUR TO 20 MILES PER HOUR; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, citizens and business owners working in the 1100 block of East Main Street have expressed concerns about the current speed limit on East Main Street;

WHEREAS, those same citizens have asked that the speed limit in the area be reduced;

WHEREAS, City staff have investigated the concerns of business owners and citizens and find the roadway in the 1100 block of East Main Street is an undeveloped gravel roadway which would be safer navigated at a slower speed;

WHEREAS, the Sultan City Council has heard and agree with the traffic study in the area;

WHEREAS, Revised Code of Washington section 46.61.415 and the Washington Model Traffic Ordinance give local jurisdictions the authority to regulate speed limits in their cities;

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

Section 1. Sultan Municipal Code 10.08.010 is amended to reduced the speed limit in the 1100 block of East Main Street from 25 miles per hour to 20 miles per hour.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2010.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk

Approved as to form:

Margaret J. King, City Attorney

Ordinance 1101-10

Passed by the City Council:

Date of Publication:

Effective Date:

Chapter MAXIMUM CERTAIN STREETS	SPEED	LIMITS	10.08 ON
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Sections:

[10.08.010](#) Designated.

10.08.010 Designated.

It is declared that upon the basis of an engineering and traffic investigation, that the reasonable and safe maximum speed limit shall be as hereafter set forth on those streets or parts of streets designated in this section at all times when signs are erected giving notice thereof:

S(Ord. 691-98; Ord. 372 § 1, 1978)

Street Location	Speed Limit
US 2 From 0.15 miles west of junction 299th Ave. S.E. (WCL Sultan) (US 2 milepost 21.42) to 0.23 miles east of Sultan Mill Pond Bridge, EPS, US 2 milepost 35 23.32	mph
US 2 From 0.23 miles east of Sultan Mill Pond Bridge, EPS, US 2 milepost 23.32 to the junction with 339th Ave. S.E./Rice Road (ECL Sultan) (US 2 milepost 50 24.18)	mph
1100 Block of East Main Street	20 mph

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)

RCW 46.61.400

Basic rule and maximum limits.

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

- (a) Twenty-five miles per hour on city and town streets;
- (b) Fifty miles per hour on county roads;
- (c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW [46.61.405](#), [46.61.410](#), and [46.61.415](#).

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

RCW 46.61.415

When local authorities may alter maximum limits.

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under RCW [46.61.400](#) or [46.61.440](#) is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW [46.61.400](#)(2) but shall not exceed sixty miles per hour.

(3) The secretary of transportation is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the secretary of transportation.

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