

ORDINANCE NO. 1355

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S TRAFFIC CODE; AMENDING SECTION 10.04.010 TO THE GIG HARBOR MUNICIPAL CODE TO ADOPT BY REFERENCE RCW 47.48.040 RELATING TO VIOLATIONS OF ROAD CLOSURES AND RESTRICTIONS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, RCW 35A.11.020 authorizes the legislative body of code cities to adopt and enforce criminal codes related to misdemeanor and gross misdemeanor offenses; and

WHEREAS, Gig Harbor Municipal Code 10.04.010 adopts certain sections of state law relating to vehicle operation and equipment standards; and

WHEREAS, the City currently has no prescribed penalty for violations of RCW 47.48.040 regulating driver conduct upon closed or restricted roads; and

WHEREAS, the City of Gig Harbor desires to adopt by reference RCW 47.48.040 in order to allow the City to prosecute crimes relating to violations of road closures and restrictions; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 10.04.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**10.04.010 Statutes adopted by reference.**

The following state statutes, including all future amendments, repeals, or additions thereto, are hereby adopted by reference as if set forth herein:

RCW

- 46.01.230 Payment by check or money order – Regulations – Penalty for nonsurrender upon cancellation – Handling fee for dishonored checks.
- 46.01.260 Destruction of records by director.
- 46.04.015 Alcohol concentration.
- 46.04.127 Collegiate license plates.

- 46.04.440 Definition of railroad.
- 46.08.065 Publicly owned vehicles to be marked – Exceptions.
- 46.08.066 Publicly owned vehicles – Confidential license plates, issuance rules governing.
- 46.08.067 Publicly owned vehicles – Violations concerning marking and confidential license plates.
- 46.08.068 Publicly owned vehicles – Remarking not required, when.
- 46.08.070 Nonresidents, applications to.
- 46.08.190 Jurisdiction of judges of district, municipal and superior court.
- 46.12.160 Refusal or cancellation of certificate – Notice – Penalty for subsequent operation.
- 46.12.270 Penalty for violation of RCW 46.12.250 or 46.12.260.
- 46.20.309 Driver under twenty-one – Alcohol in system – Implied consent – Penalties.
- 46.20.355 Alcohol violator – Probationary license.
- 46.20.710 Ignition interlocks, biological, technical devices – Legislative finding.
- 46.20.720 Ignition interlocks, biological, technical devices – Drivers convicted of alcohol offenses.
- 46.20.730 Ignition interlocks, biological, technical devices – Definitions.
- 46.20.740 Ignition interlocks, biological, technical devices – Notation on driver's license.
- 46.37.380 Horns, warning devices and theft alarms.
- 46.37.390 Mufflers, prevention of noise – Smoke and air contaminants – Standards and definitions.
- 46.37.400 Mirrors.
- 46.37.410 Windshields required, exception – Must be unobstructed and equipped with wipers.
- 46.44.110 Liability for damage to highways, bridges, etc.
- 46.55.113 Removal by police officer.
- 46.61.502 Driving under the influence.
- 46.61.5051 Alcohol violator with regular license – Penalties.
- 46.61.5052 Alcohol violator with probationary license – Penalties.
- 46.61.5053 Alcohol violator with suspended or revoked license – Penalties.
- 46.61.5054 Alcohol violators – Additional fee – Distribution.
- 46.61.5056 Alcohol violators – Information school – Evaluation and treatment.

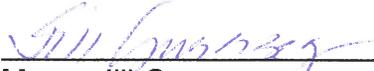
- 46.61.5057 Driver under twenty-one – Duties upon being stopped by law enforcement officer.
- 46.61.5058 Alcohol violators – Vehicle seizure and forfeiture.
- 46.61.5151 Sentences – Intermittent fulfillment – Restriction.
- 46.61.5152 Attendance at program focusing on victims.
- 46.61.527 Roadway construction zones.
- 46.64.030 Procedure governing arrest and prosecution.
- 47.36.130 Meddling with signs prohibited.
- 47.48.040 Notice of road closure or restriction – Penalty.
- 47.52.010 Limited access facility defined.
- 47.52.011 “Existing highway” defined.
- 47.52.040 Design – Ingress and egress restricted, closure of intersection roads.
- 47.52.110 Marking of facility with signs.
- 47.52.120 Violations specified – Exceptions, penalty.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 13th day of February, 2017.

CITY OF GIG HARBOR

  
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Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

  
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Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney



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Angela G. Summerfield

FILED WITH THE CITY CLERK: 01/10/17  
PASSED BY THE CITY COUNCIL: 02/13/17  
PUBLISHED: 02/16/17  
EFFECTIVE DATE: 02/21/17  
ORDINANCE NO: 1355