

ORDINANCE NO. 13-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON ADOPTING A NEW CHAPTER 10.50 OF THE COVINGTON MUNICIPAL CODE ESTABLISHING INATTENTIVE DRIVING AS A TRAFFIC INFRACTION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Section 10.05.010 of the Covington Municipal Code (CMC) adopted the Washington Model Traffic Ordinance, which adopted Section 46.61.525 of the Revised Code of Washington (RCW) regarding negligent driving in the second degree; and

WHEREAS, negligent driving in the second degree is a serious infraction used when driving in a manner that is both negligent and endangers or is likely to endanger persons or property; and

WHEREAS, a lesser infraction to negligent driving in the second degree is not included in the Washington Model Traffic Ordinance or other state statutes; and

WHEREAS, numerous other jurisdictions have adopted ordinances to create a lesser included infraction of inattentive driving, to be used when a driver is careless and demonstrates a clear lack of attention that still places persons or property at risk; and

WHEREAS, the city council has determined that inattentive drivers constitute a hazard to pedestrians and other motorists; and

WHEREAS, it is within the authority of the City Council to protect the health, safety, and welfare of the citizens of Covington and the City Council desires to adopt a new traffic infraction of inattentive driving to expand the tools available to the city's police officers to effectively educate and correct bad driver behavior;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Creation of Chapter 10.50 CMC—Inattentive Driving. Chapter 10.50 of the Covington Municipal Code is hereby created as follows:

10.50.010 Inattentive Driving. It shall be unlawful to drive a motor vehicle on any street, alley, or way open to the public of the City in an inattentive manner. Inattentive manner means the operation of a motor vehicle in a manner which, without regard to speed, evidences a lack of 1) that degree of attentiveness required to safely operate the vehicle under the prevailing conditions,

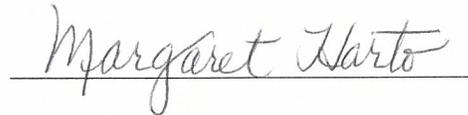
including, but not limited to, the nature and condition of the roadway, presence of pedestrians, or the presence of other traffic; or 2) that degree of attentiveness as will allow the driver of a motor vehicle to observe anything resting on or travelling on the roadway in time to take appropriate action as circumstances require. The offense of operating a vehicle in an inattentive manner shall be a lesser offense than, but included in, the offense of operating a vehicle in a negligent manner under RCW 46.61.525, and any person charged pursuant to RCW 46.61.525 may be found to have committed the lesser offense of operating a vehicle in an inattentive manner.

10.50.020 Violation—Penalty. Violation of this section shall constitute a civil infraction subject to a monetary penalty of \$250.00, not including statutory costs and assessments.

Section 2. Severability. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provision of this ordinance and ordinances and/or resolutions modified by it shall remain in force and effect.

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.

Passed by the City Council on the 25th day of October, 2011.



Mayor Margaret Harto

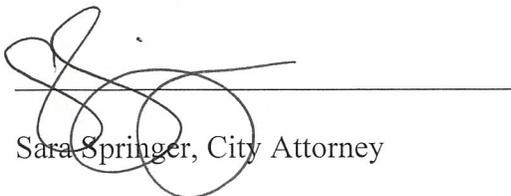
PUBLISHED: October 28, 2011

EFFECTIVE: November 2, 2011

ATTESTED:



Sharon Scott, City Clerk



Sara Springer, City Attorney