

ORDINANCE NO. 09-905

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING CHAPTER 10.40 OF THE BLACK DIAMOND MUNICIPAL CODE TO ADD NEW SECTION 10.40.060, WHICH MAKES INATTENTIVE DRIVING A VIOLATION OF THE CITY'S TRAFFIC CODE

WHEREAS, thousands of drivers and pedestrians are injured each year because of drivers who are not paying attention while operating a motor vehicle on public roads; and

WHEREAS, the new offense of "inattentive driving" will fill the need for situations where the driver has not been driving recklessly but nevertheless fails to exercise due care and thereby causes minor accidents or creates a reasonable likelihood of one; and

WHEREAS, because this new offense of "inattentive driving" shall be a creation of local ordinance and not a state statute, certain fees that would otherwise need to be paid to the state from any fines collected do not apply.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 10.40 of the Black Diamond Municipal Code is hereby amended by the addition of a new Chapter 10.40.060 to read as follows:

10.40.060 Inattentive driving.

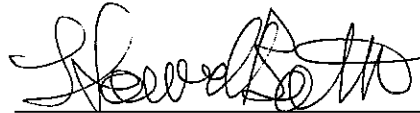
- A. It is unlawful for any person to operate a motor vehicle in an inattentive manner over the streets, roads, and highways of the city.
- B. For the purpose of this section, "inattentive" means the operation of a vehicle upon the streets, roads, and highways of the city in a lax or slack manner.
- C. The offense of operating a vehicle in an inattentive manner shall be considered to be a lesser offense than, but included in the offense of, operating a vehicle in a negligent manner.
- D. A violation of this section shall be a traffic infraction punishable by a monetary penalty of two hundred and fifty dollars (\$250).

Section 2. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 3. Effective date. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

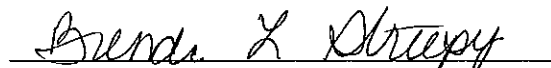
Introduced on the 23rd day of April, 2009.

Passed by the City Council on the 23rd day of April, 2009.



Mayor Howard Botts

ATTEST:



Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 4/28/09
Effective Date: 5/3/09