

**ORDINANCE NO. 17-1093**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
BLACK DIAMOND, KING COUNTY, WASHINGTON,  
AMENDING BLACK DIAMOND MUNICIPAL CODE  
10.40.060 TO CLARIFY OFFENSE OF INATTENTIVE  
DRIVING**

**WHEREAS**, in 2009 the City Council of the City of Black Diamond adopted and defined a new offense of inattentive driving under Black Diamond Municipal Code 10.40.060; and

**WHEREAS**, the intent of BDMC 10.40.060 is to fill the need for situations where a driver is operating the vehicle that may not rise to the level of recklessness, but nevertheless is driving unsafely by failing to exercise due care and with proper attention, thereby causing an accident or creating the reasonable likelihood of an accident; and

**WHEREAS**, the language as originally adopted in BDMC 10.40.060 could be subject to criticism for not defining the offense in a sufficiently clear and definite manner so as to inform the public and law enforcement officers of when a violation has occurred;

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

**Section 1. Amendment of BDMC 10.40.060 (Inattentive driving).** Section 10.40.060.B of the Black Diamond Municipal Code is hereby amended as follows:

- B. For the purpose of this section, "in an inattentive manner" means ~~the operation of a vehicle upon the streets, roads, and highways of the city in a lax or slack manner~~ without maintaining a careful outlook for persons, animals, other vehicles, or property in or near the path of the violator vehicle, or without due regard or vigilance for persons, animals, other vehicles, or property in or near the path of the violator vehicle.

**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 OF THE CITY OF BLACK DIAMOND AT A REGULAR MEETING THEREOF ON THE 6TH DAY OF JULY, 2017.**

CITY OF BLACK DIAMOND

  
\_\_\_\_\_  
Carol Benson, Mayor

Attest:

  
\_\_\_\_\_  
Brenda L. Martinez, City Clerk

Approved as to form:

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David Linehan, City Attorney

Filed with the City Clerk: 7/7/17  
Passed by the City Council: 7/6/17  
Ordinance No. 17-1093  
Date of Publication: 7/11/17  
Effective Date: 7/16/17