ORDINANCE 2013-1

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, RELATING TO INATTENTIVE DRIVING; CREATING A NEW SECTION UNDER CHAPTER 10.04 OF THE EATONVILLE MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Town of Eatonville desires to protect its citizens from dangers posed by inattentive and distracted drivers, whose failure to remain attentive for persons or property results in or may result in a collision with a person or property, causing damage to property in the town, or injury to the citizens of Eatonville;

WHEREAS, the Town Council believes the public health, safety and welfare is promoted by regulating inattentive driving;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Eatonville as follows:

Section 1. A new section is added to chapter 10.04 EMC, to be codified as EMC 10.04.025, and shall read as follows:

10.04.025 – Inattentive Driving

> It is unlawful for any person to operate a motor vehicle within the town in an inattentive manner. For the purposes of this section, "inattentive manner" means the operation of a motor vehicle in a manner that evidences a lack of 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 other traffic, presence of pedestrians, and weather conditions. The offense of operating a motor vehicle in an inattentive manner shall be considered to be a lesser offense than, but included in, the offense of operating a motor vehicle in a negligent manner. Unless otherwise set out in applicable law or court rule, any person who violates the provisions of this section shall be guilty of a traffic infraction punishable by a monetary value not more than $250.00, plus assessments.

Section 2. 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 preempted 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. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 01/14/2013
2ND READING: ___/___/2013 / 2ND READING WAIVED (EMC 2.04.009(C))

Passed by the Council of the Town of Eatonville at a regular meeting held this _____ day of_____, 2013.

_____
Ray Harper, Mayor

ATTEST:

_____
Kathy Linnemeyer, Town Clerk

APPROVED AS TO FORM:

_____
Daniel G. Lloyd, Town Attorney