

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 13-16

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON,  
AMENDING CHAPTER 11.30 TO THE BUCKLEY MUNICIPAL  
CODE ENTITLED "INATTENTION"; AND ESTABLISHING AN  
EFFECTIVE DATE.

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**WHEREAS**, City Council adopted BMC 11.30 "entitled" Inattention in July, 2015; and

**WHEREAS**, since implementation the City Municipal Court and Prosecutor have identified that the penalty provision is onerous and should have stated that the penalty for an infraction was "up to" \$250, rather than a set penalty of \$250; and

**WHEREAS**, the City Administration, Municipal Court and Police Department are requesting that this provision be corrected by amending the code to make the penalty be left to the Court up to the maximum penalty of \$250; and

**WHEREAS**, the City Admin, Finance & Public Safety Committee reviewed this request on 5/3/16 and concur that implementing this change would be beneficial; and

**WHEREAS**, the City Council concurs with the Committee's recommendation and desires to amend the penalty provision of this code to be consistent with similar penalties throughout the City's code enforcement provisions; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON DO ORDAIN AS FOLLOWS:

**Section 1.** Chapter 11.30 of the Buckley Municipal Code entitled "Inattention" is hereby amended to read as follows:

11.30.010 Inattention.

A. No person shall operate a motor vehicle on a street, alley or in ways open to the public within the city in an inattentive manner.

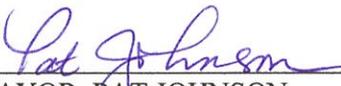
B. "Inattentive manner" means driving in such a manner so as to fail to maintain a careful lookout for persons or property in the direction of travel.

C. Any person violating the provisions of this section is found to have committed an infraction and shall be subject to a penalty as provided in Chapter 1.04 BMC.

**Section 2.** Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or 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 or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 10th day of May, 2016.

  
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MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, JOANNE STARR

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:

  
BY \_\_\_\_\_

FILED WITH THE CITY CLERK: May 11, 2016

PASSED BY THE CITY COUNCIL: May 10, 2016

PUBLISHED: May 18, 2016

EFFECTIVE DATE: May 23, 2016

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