

Chapter 10.04

MODEL TRAFFIC ORDINANCE

Sections:

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10.04.010 **Adoption by reference.** The Washington Model Traffic Ordinance, R.C.W. Chapter 46.90, hereinafter referred to as the "MTO," and R.C.W. 46.61.088, 46.61.072, 46.61.202, 46.61.215, 46.61.261, 46.61.264, 46.61.266, 46.61.269, 46.61.520, 46.61.540, 46.61.606, 46.61.608, 46.61.614 and 46.64.017 are adopted by reference as and for the traffic ordinance of this city as if set forth in full in this chapter, with the exception of the penalty provisions thereof which are superseded by the penalty provisions of this chapter as set forth in Section 10.04.030. (Ord. 394 S1 (part), 1981.)

10.04.020 **Filing.** Incident to the adoption of the MTO by reference, by the ordinance codified in this chapter, three copies of the text of the adopted MTO and of other adopted statutes shall be filed for use and examination by the public in the office of the city clerk prior to the adoption thereof, pursuant to R.C.W. 35.21.180. (Ord. 394 SI (part), 1981.)

10.04.030 **Violations--Fine.** Any person who is convicted of violating or failing to comply with any of the provisions of this chapter shall be punished only by a fine of not more than five hundred dollars, except as otherwise provided therein. (Ord. 394 S1 (part), 1981.)

10.04.040 **Violations--Disposition of fines and forfeitures.** All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter shall be paid into the general fund of the city. (Ord. 394 SI (part), 1981.)

10.04.050 **Official misconduct.** Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture of bail, either before or after a deposit in the general fund, to comply with the provisions of Section 10.04.040, shall constitute misconduct in office and shall be grounds for removal therefrom; provided, appropriate removal action is taken pursuant to state law relating to removal of public officials. (Ord. 394 SI (part), 1981.)

10.04.060 **Amendments to MTO.** Pursuant to RCW 46.90.055 it is determined that the safe and efficient movement of traffic in the City of Benton City is enhanced by exclusion, modification, or addition to the following sections of RCW Chapter 46.90 (Model Traffic Ordinance), and those sections of RCW Title 46 adopted by BCMC 10.04.010, of this section as follows:

- A. RCW 46.64.050 General Penalty. It is a traffic infraction for any person to violate any of the provisions of this title unless violation is by this title or other law of state declared to be a felony, gross misdemeanor, or a misdemeanor, Unless another penalty is in this title provided, every person convicted of a misdemeanor or gross misdemeanor for violation of any provisions of this title shall be punished in a manner as designated in Chapter 1.16.010 of this code.
- B. RCW 46.63.110 Monetary Penalties.
1. A person found to have committed a traffic infraction shall be assessed a monetary penalty. No monetary penalty may exceed five hundred dollars for each offense unless authorized by this chapter or title.
 2. The Supreme Court may designate by rule a schedule of monetary penalties for designated traffic infractions.
 3. There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction or failure to pay monetary penalties imposed pursuant to this chapter including parking violations.
 4. Monetary penalties provided for in Chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of Chapter 46.44 RCW relating to size, weight and load of motor vehicles are not subject to the limitations on the amount of monetary penalties which may be imposed pursuant to this chapter.
 5. Whenever a monetary penalty is imposed by a court order under this chapter it is immediately payable. If the person is unable to pay at the time the court may in its discretion grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, The court shall notify the Dept. of Licensing of the failure to pay the penalty and the department may not renew the person's drivers license unless the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.
- C. RCW 46.90.710 Penalties. Unless another penalty is expressly provided by law, any person found to have committed an act designated a traffic infraction under the provisions of this chapter shall be punished by a penalty of not more than five hundred dollars.

- D. RCW 46.61.150 Driving on Divided Highways. Whenever any roadway within the City of Benton City has been divided into two or more roadways by leaving an intervening space or a physical barrier or clearly indicated dividing section consisting of two parallel solid yellow pavement markings, every vehicle shall be driven only upon the right hand roadway unless directed or permitted to use another roadway by official traffic control devices or by police officers. No vehicle shall be driven over, across, or within any such dividing space, barrier or section or median island, except through an opening in such physical barrier or section or median island or through a cross over or intersection established by public authority when posted with signs designating "no turns" and/or "no turns across center line" or to make a left turn into a private driveway or to enter a off street parking lot, except that all left turns between intersections for the purpose of turning into a (angle) parking space on the opposite side of the street is expressly forbidden.
- E. RCW 46.61.295 U-Turns.
1. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement is made at an intersection and can be made in safety and without interfering with other traffic.
 2. No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet
- F. RCW 46.6.1.525 Operating a Motor Vehicle in A Negligent Manner. It shall be unlawful for any person to operate a motor vehicle in a negligent manner in this State. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a motor vehicle in this state in such a manner as to endanger or be likely to endanger any persons or property. The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor, provided, that the director shall not revoke any license under this section. (Ord. 485, December 1985).