AN ORDINANCE of the City of Kent, Washington, relating to alcohol related driving offenses and criminal penalties; amending Section 10.02.10 (Ordinance 2210, Section 1, as last amended by Ordinance 2384, Section 2) of the Kent City Code; adding a new Section 10.02.09 Kent City Code prohibiting open alcoholic containers in motor vehicles; and declaring an emergency therefore.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 10.02.10 (Ordinance 2210, Section 1, as last amended by Ordinance 2384, Section 2) of the Kent City Code is amended as follows:

10.02.10. ADDITIONAL SECTIONS OF RCW ADOPTED BY REFERENCE. Upon the filing of one copy with the City Clerk, the following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference in all respects as though such Sections were set forth herein in full:

46.61.502 Driving while under the influence of intoxicating liquor or drug -- what constitutes.

46.61.504 Actual physical control of motor vehicle while under influence of intoxicating liquor or drug -- What constitutes -- Defenses.

46.61.506 Persons under influence of intoxicating liquor or drug -- Evidence -- Chemical tests -- Information concerning tests.

46.61.515 Driving or being in physical control of motor vehicle while under the influence of intoxicating liquor or drugs -- Penalties -- Penalty assessments in addition to fines, etc. -- Suspension or revocation of license -- Appeal.

(PROVIDED HOWEVER, pursuant to RCW 35A.11.020 the maximum penalty provided in RCW 46.61.515, as now or hereafter...
amended, shall be a fine not to exceed five hundred dollars or—imprisonment not to exceed six months or by both such fine and—imprisonment.)

Section 2 A new Section 10.02.09 is added to the Kent City Code as follows:

10.02.09 OPEN CONTAINER
(1) It is a traffic infraction to drink any alcoholic beverage in a motor vehicle when the vehicle is upon a street or highway.

(2) It is a traffic infraction for a person to have in his possession while in a motor vehicle upon a street or highway, a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened or a seal broken or the contents partially removed.

(3) It is a traffic infraction for the registered owner of a motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon a street or highway, a bottle, can, or other receptacle containing an alcoholic beverage which has been opened or a seal broken or the contents partially removed, unless the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(4) This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper or, except as otherwise provided by RCW 66.44.250 to any passenger for compensation in a for-hire vehicle licensed under city, county or state law.

Section 3. Effective Date. This ordinance is a public emergency ordinance and is necessary for the immediate preservation and protection of the public peace, health and safety, and shall become effective immediately upon adoption.

ATTEST:

[Signature]
ISABEL HOGAN, MAYOR

[Signature]
MARIE JENSEN, CITY CLERK
APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY


I hereby certify that this is a true copy of Ordinance No. 2414, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK
(SEAL)