AN ORDINANCE of the City of Kent, Washington, regarding the admissibility of refusal evidence in Driving While Under the Influence prosecutions, adding a new section 9.36.110 to the Kent City Code.

WHEREAS, the 1992 Washington Legislative Session neglected to add RCW 46.61.517 to the Model Traffic Ordinance (MTO). The City of Kent has previously adopted the Model Traffic Ordinance by Ordinance No. 3017; and

WHEREAS, the Kent City Council seeks to effectively enforce Driving While Under the Influence violations; NOW, THEREFORE;

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

Section 1. Kent City Code Chapter 9.36 is amended by adding thereto a new Section 9.36.110 to read as follows:

9.36.110 REFUSAL OF BLOOD AND BREATH ALCOHOL TESTS.

The refusal of a person to submit to a test of the alcoholic content of his or her blood or breath under RCW 46.20.308 is admissible into evidence in a subsequent criminal trial.
Section 2. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and confirmed.

Section 3. Effective Date. This ordinance shall take effect and be in effect thirty (30) days from and after its passage, approval, and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

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

BRENDA JACOBER, CITY CLERK