ORDINANCE NO. 4013

AN ORDINANCE of the City Council of the city of Kent, Washington, amending Section 9.36.020, entitled, "Inattentive Driving," allowing the City to enforce the Section when a violation occurs on private property open to the public, and increasing the penalty.

RECITALS

A. Currently, section 9.36.020 of the Kent City Code limits citation of the infraction of Inattentive Driving only to offenses that occur on public highways.

B. For poor driving that occurs in or upon areas open to the public, but which are privately maintained, e.g. parking lots or alleys, the Kent Police Department cannot cite for this infraction although the facts may fit within the definition of "inattentive driving."

C. While officers may cite a person with Negligent Driving in the Second Degree for poor driving that occurs in or upon areas open to the public but which are privately maintained, the driving often does not rise to the level of negligence.
D. These amendments to the code will permit the Kent Police Department to cite for Inattentive Driving for those violations falling within the definition provided in the code when the driving occurs in or upon areas open to the public, but which are privately maintained.

E. The penalty is also increased from $100 to $150, plus costs and assessments to be more consistent with the penalties in neighboring jurisdictions.

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

ORDINANCE

SECTION 1. - Amendment. Section 9.36.020 is amended to read as follows:

Sec. 9.36.020. Inattentive driving.

A. It is unlawful for any person to operate a motor vehicle in an inattentive manner upon any highway within the City, or way open to the public within the City that is maintained primarily for public use and is adjacent to any highways over the highways of the city.

B. For the purpose of this section, “inattentive” means the operation of a vehicle in a lax or slack manner upon the public highways of the city in a lax or slack manner.

C. For the purposes of this section, the term “highway” is defined as set forth in RCW 46.04.197 and the term “way open to the public” is
defined as set forth in Washington Administrative Code (WAC) 200-200-015(8).

CD. The offense of operating a vehicle in an inattentive manner shall be considered to be a lesser offense than, but included in the offense of, operating a vehicle in a negligent manner Driving in the Second Degree.

DE. A violation of this section shall be a traffic infraction punishable by a monetary penalty of one hundred fifty dollars ($150), plus all mandatory state costs, fees, and assessments.

SECTION 3. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 4. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its full force and effect.

SECTION 4. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage and publication, as provided by law.

SUZETTE COOKE, MAYOR

Amend KCC 9.36.020 - Inattentive Driving Ordinance
I hereby certify that this is a true copy of Ordinance No. 4073 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.