

Ordinance No. 3557

(Amending or Repealing Ordinances)

CFN-122 – Police/Fire Departments

Passed 6/5/2001

Racing and SOAR Code Revisions (Amends Secs. 9 42 010,9 42 020 and 9 43 010,
9.43 015,9 43 020,9 43 030,9 43 040)

Amended by Ord. 3598 (Sec. 9.42.020; 9.43.015; & 9.43.030)

Amended by Ord 3738 (Sec 9 42 020, 9.43.015, 9 43 030 & 9 43 040)

Amended by Ord. 3921 (Secs. 9.42.020 & 9.43.030)

ORDINANCE NO. 3557

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Title 9 of the Kent City Code, entitled "Public Safety," by: (1) adding a new chapter, Chapter 9.42, relating to unlawful race attendance; and (2) a new chapter, Chapter 9.43, relating to "Stay out of Areas of Racing-SOAR" orders.

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

SECTION 1. A new chapter, Chapter 9.42, entitled "Unlawful Race Attendance," shall be added to the Kent City Code:

CHAPTER 9.42. UNLAWFUL RACE ATTENDANCE

Sec. 9.42.010. Definitions. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

A. *Public place* means an area, whether publicly or privately owned, generally open to the public and includes, without limitation, the doorways and entrances to buildings or dwellings and the grounds enclosing them, streets, sidewalks, bridges, alleys, plazas, parks, driveways, and parking lots.

B. *Unlawful race event* means an event wherein persons willfully compare or contest relative speeds by operation of one or more motor vehicles.

Sec. 9.42.020. Unlawful race attendance - Prohibited.

Any person (1) who has actual or constructive knowledge that they are in a designated SOAR area between the hours of 10:00 p.m. and 4:00 a.m., and (2) who has actual or constructive knowledge that an unlawful race event is occurring, has occurred, or is about to occur, and (3) intends to observe or support or encourage the unlawful race event, is guilty of a misdemeanor.

SECTION 2. A new chapter, Chapter 9.43, entitled “Stay Out of Areas of Racing - SOAR,” is hereby added to the Kent City Code:

CHAPTER 9.43. Stay out of areas of racing - SOAR

Sec. 9.43.010. Stay Out of Areas of Racing - Abbreviation. As used in this title, the acronym “SOAR” represents “Stay Out of Areas of Racing.”

Sec. 9.43.015. SOAR orders. A SOAR order prohibits persons from engaging in racing or unlawful race attendance within a no racing zone, as set forth in KCC 9.43.030, between the hours of 10:00 p.m. and 4:00 a.m.

Sec. 9.43.020. SOAR orders - Issuance.

A. The municipal court may issue a SOAR order to any person charged with racing, unlawful race attendance, reckless driving associated with race activity, or trespass associated with race activity as a condition of pre-trial release, sentence, or deferred sentence.

B. A person is deemed to have notice of the SOAR order when:

1. The signature of either the person named in the order or that of his or her attorney is affixed to the bottom of the order, which signature shall signify the

person named in the order has read the order and has knowledge of the contents of the order; or

2. The order recites that the person named in the order, or his or her attorney, has appeared in person before the court at the time of issuance of the order.

C. The written SOAR order shall contain the court's directives and shall bear the statement: "violation of this order is a criminal offense under KCC 9.43.030 and will subject the violator to arrest."

Sec. 9.43.030. SOAR orders – Designated “No Racing Zones.” The SOAR order may apply to any of the following “No Racing Zones” between the hours of 10:00 p.m. and 4:00 a.m.:

1. 54th Avenue South from the 22800 block to the 22500 block.
2. 58th Place South from Russell Road to South 194th Way.
3. 64th Avenue South from S. 212th to James Street.
4. 72nd Avenue South from S. 180th Street to where it ends, at approximately the 19400 block.
5. 72nd Avenue South from S. 212th Street to S. 228th Street.
6. 80th Avenue South from S. 180th Street to S. 184th Street.
7. South 194th Street and South 194th Way from 66th Avenue S. to Russell Road.
8. South 226th Avenue from 64th Avenue S. to 54th Avenue S.
9. South 202nd Street from 84th Avenue S. to 90th Avenue S.

These “No Racing Zones” include any highway, as that term is defined in RCW 46.04.197, together with adjoining property areas (such as sidewalks, entryways, landscaped areas, and parking areas) if those adjoining areas are being used for racing or unlawful race attendance.

These “No Racing Zones” shall be designated by the placement of clear and conspicuous signs at all highway entrances to the no racing zone. At a minimum,

these signs must include the following statements: No Racing Zone; Race Attendance Prohibited; KCC 9.42.020.

Sec. 9.43.040. SOAR orders – Violation.

A. In the event a police officer has probable cause to believe that a person has been issued a SOAR order as a condition of pre-trial release or a sentence imposed by the court and, in the officer's presence, the person is seen violating or failing to comply with any requirement or restriction imposed upon that person by the court as a condition of his or her pre-trial release or condition of sentence, the officer may arrest the violator without warrant for violation of the SOAR order and shall bring that person before the court that issued the order.

B. When a SOAR order is issued pursuant to this chapter and the person so named in the order has notice of the order, a violation of any of the provisions of the SOAR order is a gross misdemeanor and shall be punishable by a fine not to exceed five thousand dollars (\$5,000) or imprisonment not to exceed more than one year, or both.

SECTION 3. – *Severability.* If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in 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 as provided by law.

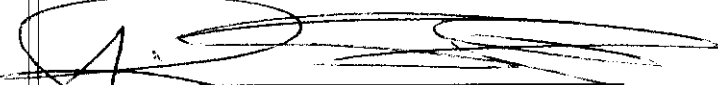


JIM WHITE, MAYOR

ATTEST:


BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:


ROGER LUBOVICH, CITY ATTORNEY

PASSED: 5 day of June, 2001

APPROVED: 5 day of June, 2001.

PUBLISHED: 8 day of June, 2001.

I hereby certify that this is a true copy of Ordinance No. 3557
passed by the City Council of the City of Kent, Washington, and approved by the
Mayor of the City of Kent as hereon indicated.

 (SEAL)
BRENDA JACOBER, CITY CLERK

P:\Civil\Ordinance\Racing-SOAR Revisions.doc