

**ORDINANCE NO. 3921**

**AN ORDINANCE** of the City Council of the City of Kent, Washington, amending sections 9.42.020 and 9.43.030 of the Kent City Code to expand the prohibition against unlawful race attendance beyond the designated No Racing Zones to include attendance at any illegal street race within the City of Kent, to add additional No Racing Zones within which the Kent Municipal Court can prohibit a defendant from engaging in racing or unlawful race attendance as a condition of pre-trial release or probation, and to make housekeeping changes to alphabetize the designated No Racing Zones and to more clearly identify the affected streets.

**RECITALS**

A. In 2001, the Kent City Council adopted Ordinance No. 3557, which prohibited spectators from attending illegal street races within established "No Racing Zones." The adoption of this ordinance allowed the Kent Police Department to cite not only those drivers participating in illegal street races, but also those spectators whose attendance perpetuate dangerous and illegal street racing.

B. The purpose of this ordinance is to amend KCC 9.42.020 to expand the prohibition against illegal street race attendance beyond the designated "No Racing Zones" to include attendance at any illegal street

race within the City. Additionally, this ordinance provides further clarification of conduct a Kent Police Officer will consider in evaluating whether unlawful race attendance has occurred. Furthermore, this ordinance amends KCC 9.43.030 to add additional No Racing Zones within which the Kent Municipal Court can prohibit a defendant from engaging in racing or unlawful race attendance as a condition of pre-trial release or probation. Should a defendant violate a court order by participating in or attending an illegal street race within a No Racing Zone, the penalty remains a gross misdemeanor punishable by a fine not to exceed \$5,000, or imprisonment not to exceed one year, or both such fine and imprisonment.

C. Lastly, this ordinance makes minor revisions to KCC 9.43.030 to alphabetize the designated No Racing Zones for better readability and identification, and to more clearly identify the affected streets.

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

### **ORDINANCE**

**SECTION 1.** - *Amendment.* Section 9.42.020 of the Kent City Code, entitled "Unlawful race attendance—Prohibited," is amended as follows:

#### **Sec. 9.42.020. Unlawful race attendance – Prohibited.**

A. Any person (1) who has actual or constructive knowledge that ~~they~~ he or she is ~~are in a designated SOAR area~~ attendance of an unlawful race event and (2) who has actual or constructive knowledge that an unlawful race event is occurring, has occurred, or is about to occur, and (3) was there with the intent to observe or support or encourage the unlawful race event, is guilty of a misdemeanor.

B. The circumstances which may be considered in determining whether a violation of subsection (A) of this section has occurred shall include, but not be limited to:

1. The unlawful race event occurred in a designated No Racing Zone as defined in KCC 9.43.030;

2. The person is associating with persons racing in an unlawful race event;

3. The person, by admission, is in attendance of an unlawful race event with the intent to observe or support or encourage the unlawful race event;

4. Statements of other persons who are shown to be in attendance of an unlawful race event which provide evidence that the person intends to observe or support or encourage an unlawful race event;

5. The person either operates or is a passenger in a vehicle that shares the attributes of other vehicles that are in attendance of the unlawful race event or which are engaging in, about to engage in, or which have engaged in an unlawful race;

6. The person either operates or is a passenger in a vehicle which is driven in such a manner as to show evidence of an attempt to flee or escape detection when a police officer arrives on the scene of an unlawful race event; or

7. The person has no reasonable alternative purpose for being in the area in which the unlawful race event is occurring, is about to occur, or which occurred.

***SECTION 2. - Amendment.*** Section 9.43.030 of the Kent City Code, entitled "SOAR orders—Designated "No Racing Zones," is amended as follows:

**Sec. 9.43.030. SOAR orders – Designated “No Racing Zones.”**

A. Designated Zones. The SOAR order may apply to any of the following “No Racing Zones”:

1. 54<sup>th</sup> Avenue South from South 228<sup>th</sup> Street the 22800 block to the end of the road at the 22500 block.

2. 58<sup>th</sup> Place South from Russell Road to South 194<sup>th</sup> Way.

3. 59<sup>th</sup> Place South from South 212<sup>th</sup> Street to South 199<sup>th</sup> Place.

4. 62<sup>nd</sup> Avenue South from South 199<sup>th</sup> Place to South 190<sup>th</sup> Street.

~~54. 64<sup>th</sup> Avenue South from James Street to South S. 212<sup>th</sup> Street to James Street.~~

~~65. 72<sup>nd</sup> Avenue South from 220<sup>th</sup> Street S. 180<sup>th</sup> Street to South 180<sup>th</sup> S. 228<sup>th</sup> Street.~~

7. 76<sup>th</sup> Avenue South (signage reads 76<sup>th</sup> Avenue) from South 228<sup>th</sup> Street (signage reads 228<sup>th</sup> St.) to South 212<sup>th</sup> Street.

8. 80<sup>th</sup> Avenue South from 196<sup>th</sup> Street to South 180<sup>th</sup> Street.

9. 85<sup>th</sup> Avenue South from South 202<sup>nd</sup> Street to South 198<sup>th</sup> Street.

10. 87<sup>th</sup> Avenue South from South 208<sup>th</sup> Street to South 198<sup>th</sup> Street.

11. 89<sup>th</sup> Avenue South (signage reads 89<sup>th</sup>) from the 20400 block to South 198<sup>th</sup> Street.

~~126. S. South 180<sup>th</sup> Street from 68<sup>th</sup> Avenue South (West Valley Highway) to 84<sup>th</sup> Avenue South (East Valley Highway).~~

13. South 190<sup>th</sup> Street from 62<sup>nd</sup> Avenue South to 68<sup>th</sup> Avenue South.

~~7. 80<sup>th</sup> Avenue South from S. 180<sup>th</sup> Street to S. 184<sup>th</sup> Street.~~

14. South 194<sup>th</sup> Street and 58<sup>th</sup> Place South from 66<sup>th</sup> Avenue South to Russell Road.

~~158. South 199<sup>th</sup> Place from 59<sup>th</sup> Place South to 68<sup>th</sup> Avenue South (West Valley Highway).~~

~~9. South 194<sup>th</sup> Street and South 194<sup>th</sup> Way from 66<sup>th</sup> Avenue S. to Russell Road.~~

~~16. South 202<sup>nd</sup> Street from 84<sup>th</sup> Avenue South (East Valley Highway) to 89<sup>th</sup> Avenue South.~~

~~17. South 226<sup>th</sup> Street from 54<sup>th</sup> Avenue South to 64<sup>th</sup> Avenue South.~~

~~11. South 202<sup>nd</sup> Street from 84<sup>th</sup> Avenue S. to 90<sup>th</sup> Avenue S.~~

~~12. 62nd Avenue South from South 192nd Street to South 199th Place.~~

B. *Adjoining Areas Included.* 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.

C. *Posting of Signs.* 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."

**SECTION 3. - Severability.** If any one or more section, 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.

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**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.

  
SUZETTE COOKE, MAYOR

ATTEST:

  
BRENDA JACOB, CITY CLERK

APPROVED AS TO FORM:

  
TOM BRUBAKER, CITY ATTORNEY

PASSED: 16 day of June, 2009.

APPROVED: 17 day of June, 2009.

PUBLISHED: 20 day of June, 2009.

I hereby certify that this is a true copy of Ordinance No. 3921 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 JACOB, CITY CLERK

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