

ORDINANCE 2879

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO VIOLATIONS OF CRIMINAL OR TRAFFIC CODES.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Section 11.04A.010, entitled Title--Effective date--Application--Severability--Captions, is hereby repealed.

Section 2. There is hereby created a new section to be known as Section 11.04A.010, entitled Short Title, and to read as follows:

11.04A.010 Short Title. This title shall be known and may be cited as the Kirkland Municipal Criminal Code.

Section 3. KMC 11.04A.130 is hereby amended as follows:

11.04A.130 Serious crimes designated.

11.12.010, 11.12.020, 11.20.010; 11.24.010;
11.24.020; 11.24.050; 11.24.070; 11.24.080;
11.24.110; 11.36.020; 11.36.050; 11.36.060;
11.36.100; 11.36A.140; 11.36A.150; 11.36A.210;
11.40A.050(1); 11.41.020; 11.41.030; 11.41.050;
11.41.110; 11.41.120; 11.41.130; 11.44.030;
11.44.040; 11.44.050; 11.44.070; 11.44.080;
11.44.120; 11.60.010; 11.72A.140(1); 11.80.050;
11.80.060; 11.80.070; 11.80.080; 11.80.150;
11.80.180; 11.80.210; 11.80.230 11.84A.050.

Section 4. Section 11.84A.050, entitled unlawful consumption of intoxicating liquor is hereby repealed.

Section 5. There is hereby created a new section to be known as Section 11.84A.050, entitled Liquor in Public, and to read as follows:

(s) 11.84A.050 Liquor in Public. It is unlawful for any person to open a container or possess an opened container of intoxicating liquor or to consume intoxicating liquor in a way open to the public or a public place other than a public place specifically identified and posted as a place where intoxicating liquor may be consumed.

Section 6. KMC 12.04.030 is hereby amended as follows:

12.04.030 Serious crimes designated.

46.20.021; 46.20.336; 46.20.342; 46.20.410;
 46.20.420; 46.29.625; 46.52.010; 46.52.020;
 46.52.090; 46.61.015; 46.61.020; 46.61.022;
 46.61.500; 46.61.502; 46.61.504; 46.61.530;
 46.64.020; 46.64.048; 46.65.090.

Section 7. KMC 12.28.020, entitled Inattention, is hereby repealed.

Section 8. There is hereby created a new section to be known as KMC 12.28.020, entitled Inattention, and to read as follows:

12.28.020 Inattention. It is a traffic infraction as provided in Section 1.04.010 for any person to operate a vehicle in an inattentive manner on the streets of the city. For the purpose of this section, "inattentive" means lax or slack or that the driver is not maintaining watchfulness or that control of the vehicle is imprudent.

Section 9. KMC 12.60.010 is hereby amended as follows:

12.60.010 RCW Chapter 46.90 adopted--Exceptions.

B. MTO (RCW) 46.90.300 is adopted by reference except for the following sections:

46.16.145; 46.20.410; 46.20.416; 46.37.188;
 46.37.520; 46.37.590; 46.48.170.

Section 10. KMC 12.60.020 is hereby amended as follows:

12.60.020 Other laws adopted. The following laws of Washington are adopted by reference:

RCW 16.24.065; RCW 16.24.070; RCW 35.21.165;
 RCW 46.08.030; RCW 46.29.625; RCW 46.61.5151;
 RCW 46.61.517.

Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 17th day of June, 1985.

Signed in authentication thereof this 17th day of June, 1985.

Doris Cooper
MAYOR

ATTEST:

Tam Anderson
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

Paul F.
City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 18th day of June, 1985 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

Janice Perry
Clerk

46.29.625 Driving when license suspended or revoked until proof of ability to respond in damages furnished—Penalty. Any person whose driver's license or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license is contingent upon the furnishing of proof of ability to respond in damages and who in the absence of full authorization from the director, drives a motor vehicle upon any highway shall be punished by imprisonment for not less than ten days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars. [1969 ex.s. c 281 § 21.]

Rules of court: Bail in traffic offense cases—Mandatory appearance—JCrR 2.09.

Revoked license not to be renewed or restored until proof of financial responsibility given: RCW 46.20.311.

MISCELLANEOUS PROVISIONS RELATING TO FINANCIAL RESPONSIBILITY

46.29.630 Self-insurers. (1) Any person in whose name more than twenty-five vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section.

(2) The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(3) Upon not less than five days' notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance. [1963 c 169 § 63.]

46.29.640 Chapter not to prevent other process. Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law. [1963 c 169 § 64.]

46.29.900 Construction—1963 c 169. RCW 46.29.010 through 46.29.640 shall be codified as a single chapter of the Revised Code of Washington. RCW 46.29.010 through 46.29.050 shall be captioned "ADMINISTRATION." RCW 46.29.060 through 46.29.240 shall be captioned "SECURITY FOLLOWING ACCIDENT." RCW 46.29.250 through 46.29.600 shall be captioned "PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE." RCW 46.29.610 through 46.29.620 shall be captioned "VIOLATIONS OF THIS CHAPTER." RCW 46.29.630 through 46.29.640 shall be captioned "MISCELLANEOUS PROVISIONS RELATING TO FINANCIAL RESPONSIBILITY."

Such captions and subsection headings, as used in this chapter, do not constitute any part of the law. [1963 c 169 § 67.]

46.29.910 Severability—1963 c 169. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1963 c 169 § 68.]

Reviser's note: Chapter 169, Laws of 1963 also amended RCW 46.52.130 and 46.52.140.

46.29.920 Repeals and saving. Sections 46.24.010 through 46.24.910 and sections 46.28.010 through 46.28.200, chapter 12, Laws of 1961 and RCW 46.24.010 through 46.24.910 and RCW 46.28.010 through 46.28.200 are each repealed.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder. [1963 c 169 § 69.]

Chapter 46.32 VEHICLE INSPECTION

Sections	
46.32.010	Inspection authorized—Stations—Duties of state patrol—Penalties.
46.32.020	Rules and regulations—Local stations to conform—Supplies—Assistants.
46.32.030	Acquisition of property.
46.32.040	Frequency of inspection—Inspection free.
46.32.050	Prohibited practices—Penalty.
46.32.060	Moving defective vehicle unlawful—Impounding authorized.
46.32.070	Inspection of damaged vehicles.

Reviser's note—Sunset Act application: The vehicle inspection program is subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset act. See RCW 43.131.275. RCW 46.32.010 through 46.32.070 are scheduled for future repeal under RCW 43.131.276.

46.32.010 Inspection authorized—Stations—Duties of state patrol—Penalties. The chief of the Washington state patrol is hereby empowered to constitute, erect, operate, and maintain, throughout the state of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The chief of the Washington state patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the chief of the Washington state patrol, who shall be duly authorized as a police officer and who shall have authority to secure and withhold, with written notice to the director of licensing, the certificate of license registration and license plates of any vehicle found to be defective in