

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 937 - Amending the Shoreline Municipal Code to Add Chapter 10.22 Street Racing
DEPARTMENT:	Shoreline Police City Attorney's Office
PRESENTED BY:	Shawn Ledford, Chief of Police Julie Ainsworth-Taylor, Assistant City Attorney
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

While street racing is not a new issue, the COVID-19 pandemic has seen a growth in the activity nationwide and within the Puget Sound area. Street racing events can result in collisions, sometimes serious injury and fatalities (to both participants and innocent bystanders), fights, drug use, or other crimes that can adversely impact the community.

Street racing is extremely difficult to address under current laws and even more so in the City of Shoreline where Police calls for service and limited resources cut down on available discretionary patrol time to combat the issue. Pursuant to RCW 46.61.530, street racing amounts to reckless driving under RCW 46.61.500, however these State law provisions fail to place consequences on organizers, non-driving participants, and spectators for their actions in facilitating and encouraging the activity.

Cities that have combatted the issue, such as the Cities of Kent, Fife, Puyallup, and Tacoma, have done so, in part, through local ordinances like the one before the City Council tonight. Adoption of local regulations provides Shoreline Police with another tool to use to curb this activity, potentially preventing serious injury, fatalities, and criminal activity that can be associated with street racing.

Tonight, Council is scheduled to discuss proposed Ordinance No. No. 937 (Attachment A), which would amend the Shoreline Municipal Code to add a new chapter to the Code regarding Street Racing. Proposed Ordinance No. 937 is currently scheduled to be brought back to Council for potential action on July 19, 2021.

RESOURCE/FINANCIAL IMPACT:

There is little anticipated financial impact expected from proposed Ordinance No. 937. Prosecution of any charges resulting from violations of the proposed regulations will go through the City's Prosecuting Attorney contract. At this time, staff would not expect that it would cause an increase in the current contract allocation.

RECOMMENDATION

No action is required; this is a discussion item only. Staff seeks City Council direction on any changes to the language in proposed Ordinance No. 937. Proposed Ordinance No. 937 is currently scheduled to be brought back to Council for potential action on July 19, 2021.

Approved By: City Manager ***DT*** City Attorney ***JA-T***

BACKGROUND

Street racing has seen a recent growth nationwide and within the Puget Sound area. Street racing events can result in collisions, sometimes serious injury and fatalities (to both participants and innocent bystanders), fights, drug use, or other crimes that can adversely impact the community. In addition, other types of reckless driving occurs at these events, including squealing of tires while the vehicles is stationary or in motion, rapid acceleration, producing smoke for tire slippage, leaving visible tire acceleration marks on the roadway surface, or rapid swerving or weaving of vehicles, referred to as “speed exhibition” activities, which can result in a severe risk of danger to participants and spectators, these activities can damage pavement, curbing, and street stripping.

Due to the volume of people that attend these events, which can number in the hundreds, all types of properties, residential and commercial, can suffer from trash, graffiti, and damage to landscaping with commercial properties suffering economic loss as customers chose to go elsewhere.

Examples of street racing events in 2020-2021 can be found in local and national news coverage:

May 8, 2020 – Las Vegas, Nevada: <https://www.8newsnow.com/news/police-issue-more-than-400-tickets-for-street-racing-in-las-vegas-valley/>.

August 2, 2020 – Atlanta, George: <https://www.11alive.com/article/news/crime/street-racing-blocks-peachtree-street-other-locations-police-say/85-1a54e0e9-389c-4c7d-a76b-8212a64ddf89>.

September 18, 2020 – City of Kent, WA: <https://www.kentreporter.com/news/kent-police-crack-down-on-street-racing-as-it-spreads-across-city-region/>.

December 2, 2020 – Dallas, Texas: <https://www.wfaa.com/article/news/local/dallas-street-racing-nationwide-issue/287-9aebc8ac-b8fc-4321-afbe-dcf3e67070c6>.

January 20, 2021 – City of Auburn, WA: <https://auburnexaminer.com/auburn-police-crackdown-on-dangerous-illegal-street-racing/>.

February 5, 2021 – City of Tacoma, WA: <https://www.thenewstribune.com/news/local/crime/article249047110.html>.

April 11, 2021 – City of Seattle, WA: <https://www.king5.com/article/news/local/seattle-university-district-street-racing-caught-on-video/281-89e368d3-5264-4cf4-bc3c-d93812253be1>.

The City of Shoreline is not immune from street racing activities. In January 2021, street racing occurred on Richmond Beach Road, with approximately 250 cars participating or observing. An article regarding this incident was written in [Shoreline Area News](#). Other street racing incidents have also occurred in Shoreline over the past year and Shoreline Police believe events occur once or twice a month within the City.

Recently, the Washington State Patrol (WSP) and multiple other police agencies throughout the Puget Sound region came together to focus on increased illegal street racing and those that attend such events. A press release from the WSP regarding illegal street racing is attached to this staff report in Attachment B. Shoreline Police have been participating in discussions regarding this multi-jurisdictional effort.

DISCUSSION

Pursuant to RCW 46.61.530, street racing constitutes reckless driving under RCW 46.61.500. Reckless driving is a gross misdemeanor punishable by imprisonment for up to 364 days and/or by a fine of not more than \$5,000. In addition, in some situations a person's driver's license can be suspended for not less than 30 days and, if a repeat offender, a person can be required to install an ignition interlock device.

Despite state law, street racing continues, and it is extremely difficult to address under current laws which fail to place consequences on organizers, non-driving participants, and spectators for their actions in facilitating and encouraging the activity. It becomes even more difficult where Shoreline Police are responding to calls for service with limited resources that cut down on available discretionary patrol time to combat the issue.

Washington cities such as the Cities of Kent, Fife, and Tacoma have combatted the issue, in part, through local ordinances like the one before the City Council tonight. Adoption of local regulations would provide Shoreline Police with another tool to use to curb this activity, potentially preventing serious injury, fatalities, and criminal activity that can be associated with street racing. Cities have been in the news, including Fife, about summary impounding cars involved in street racing to deter the behavior.

Shoreline Municipal Code (SMC) Section 10.05.030(B) Towing and Impoundment, incorporating RCW 46.55.113, does provide that a police officer can, at their discretion, take custody of a vehicle when the driver is arrested and taken into custody. However, given the Washington State Supreme Court's ruling in *State v. Villela*, 194 Wn 2nd 562 (2019), which found unconstitutional a statute that provided for summary impoundment when the driver is arrested for DUI, impounding a vehicle for street racing becomes problematic. This is because the *Villela* Court noted that under Washington law, impounding a vehicle is a type of seizure and could be done only if there was probable cause that the vehicle contained evidence of a crime or, if in the judgment of the impounding officer, it is reasonable under the circumstances and there are no reasonable alternatives to impoundment.

Shoreline Police, via the King County Sheriff's General Orders Manual (GMO) - 9.04.000 Motor Vehicle Impounds - requires officers to document and explain all impounds on the appropriate form(s) and give that information to the County Communication Center/Data before going off duty. GMO 9.04.025 further states that officers are to document the reasonable alternatives considered before ordering impound. Shoreline Police state that they will follow 9.04.000 et al if a vehicle impound is warranted.

Proposed SMC Chapter 10.22 – Street Racing

Proposed Ordinance No. No. 937 (Attachment A) would amend the SMC to add a new chapter, Chapter 10.22, regarding Street Racing. The proposed Street Racing regulations (Attachment A, Exhibit A) are patterned after regulations other Washington cities have adopted. These regulations not only prohibit street racing of all types, including exhibitions of speed, but also place consequences on organizers and spectators.

Street Racing itself remains a type of reckless driving as provided in RCW 46.61.500 and non-driving participants can be charged with a misdemeanor punishable by not more than 90 days in jail and/or a fine of not more than \$1,000. In addition, similar to the City's current Stay Out of Drug Areas and Stay Out of Prostitution Areas code provisions ([SMC 9.10.285](#) and [SMC 9.10.560](#), respectively) the proposed Street Racing regulations designate certain areas in the City as Stay Out of Areas of Racing (SOAR).

These areas are:

1. Aurora Avenue N from N 145th Street to the King/Snohomish County line;
2. 15th Avenue NE, from N 145th Street to Ballinger Way NE;
3. N Richmond Beach Road, from N 185th Street to NW Richmond Beach Road;
and
4. NW Richmond Beach Road, from N Richmond Beach Road to Richmond Beach Drive NW.

See Attachment C for a map depicting these areas. These areas have been identified as they have been areas that street racing does or can occur according to Shoreline Police. Lastly, the proposed Street Racing regulations authorize the Court to impound a person's vehicle for up to 30 days.

RESOURCE/FINANCIAL IMPACT

There is little anticipated financial impact expected from proposed Ordinance No. 937. Prosecution of any charges resulting from violations of the proposed regulations will go through the City's Prosecuting Attorney contract. At this time, staff would not expect that it would cause an increase in the current contract allocation.

RECOMMENDATION

No action is required; this is a discussion item only. Staff seeks City Council direction on any changes to the language in proposed Ordinance No. 937. Proposed Ordinance No. 937 is currently scheduled to be brought back to Council for potential action on July 19, 2021.

ATTACHMENTS

Attachment A: Ordinance No. 937
Attachment A, Exhibit A: Street Racing Regulations
Attachment B: May 14, 2021 Washington State Patrol Street Racing Press Release
Attachment C: Stay Out of Areas of Racing (SOAR) Map

ORDINANCE NO. 937

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING TITLE 10 OF THE SHORELINE MUNICIPAL CODE (SMC),
VEHICLES AND TRAFFIC, ESTABLISHING A NEW CHAPTER, SMC
10.22 STREET RACING.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and has the authority to regulate the use of City streets pursuant to RCW 35A.11.020; and

WHEREAS, the City has an interest in maintaining the safety and welfare of its citizens and to ensure City streets are used in a safe manner for their intended purpose; and

WHEREAS, street racing events have increased nationwide and within the Puget Sound area and can result in collisions, sometimes serious injury and fatalities (to both participants, spectators, and innocent bystanders), fights, drug use, or other crimes that can adversely impact the community; and

WHEREAS, in addition to traditional racing, these events include “speed exhibition” activities such as rapid acceleration, squealing of tires, engaging in “donuts,” or other performance activities; and

WHEREAS, in addition to prohibiting and penalizing street racing and speed exhibition activities, it is also necessary to prohibit and penalize the organization of, and participation in, such activities, as these activities cause a disturbance to the peace of the community and a threat to public safety; and

WHEREAS, due to the volume of people that attend these events, all types of properties, residential and commercial, public and private, can suffer from trash, graffiti, damage to infrastructure and landscaping, and other nuisances, with commercial properties suffering economic loss as customers chose to go elsewhere; and

WHEREAS, to establish regulations prohibiting and penalizing both street racing and speed exhibitions and the organization and participation of such events, would enable the Shoreline Police to more effectively combat the occurrence of such events; and

WHEREAS, certain streets within the City are frequented by illegal racers and those who attend these illegal races due to the fact that these streets are wide and long, resulting in an uncontrolled racing environment that interferes with the use of these streets as spectators block off streets to allow for racing and performances; and

WHEREAS, by designating these areas and authorizing the court to impose additional penalties for subsequent violations, will serve as a further deterrent; and

WHEREAS, on June 21, 2021, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, the City Council has determined it is in the interest of public safety and the welfare of motorists and pedestrians using City streets to establish regulations addressing street racing and speed exhibitions with the City;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment; Establishing new Chapter 10.22 Street Racing. Title 10 of the Shoreline Municipal Code, Vehicles and Traffic, is amended as set forth in Exhibit A to this Ordinance to establish Chapter 10.22 Street Racing .

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 19, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor, Assistant City Attorney
On Behalf of Margaret King, City Attorney

Date of Publication: , 2021
Effective Date: , 2021

EXHIBIT A
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Chapter 10.22 Street Racing

10.22.010 Purpose and Authority.

Street racing threatens the health and safety of the public, interferes with pedestrian and vehicular traffic, creates a public nuisance, interferes with the right of businesses and residents to enjoy the use of their property, and unnecessarily expends law enforcement resources.

This section is adopted to prohibit not only street racing itself but to prohibit spectators at street races. In prohibiting spectators, the act of organizing and participating in illegal street races will be discouraged.

The City has the authority to regulate the use of its streets under its constitutional police powers and state law, including but not limited to RCW 35.22.280.

SMC Chapter 10.05 sets forth the City's Traffic Regulations, adopting the State's Model Traffic Ordinance, which applies certain provisions of Chapter 46.61 RCW Rules of the Road throughout the City's jurisdiction.

RCW 46.61.530 provides that no person may race any motor vehicle upon any public highway. Racing occurs when any person or persons willfully compare or contest relative speeds by operation of one or more motor vehicles, whether or not such speed is in excess of the maximum speed prescribed by law. Racing constitutes reckless driving under RCW 46.61.500. Reckless driving is considered a gross misdemeanor, 30-day license suspension.

10.22.020 Definitions.

"Exhibition of speed" means the operation of a motor vehicle to present a display of speed, maneuverability, or power. Exhibition of speed or acceleration includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving, drifting, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of a paved or unpaved area, that is done intentionally to draw the attention of persons in the vicinity.

"Illegal race event" means an event where street racing occurs using public highways, streets, or rights-of-way in violation of applicable motor vehicle and traffic laws, including RCW 46.61.500 and RCW 46.61.530, or within an off-street parking facility.

"Off-street parking facility" means a public or private off-street parking area open for use by the general public for parking motor vehicles.

"Preparations" means acts done to facilitate the racing event including, but not limited to, arrival of motor vehicles at a predetermined location; impeding the use of a city street by action, word, or physical barrier; the revving of motor vehicle engines or spinning of motor vehicle tires; the gathering of individuals with intent to actively take part in the event or to spectate; or the presence of a person acting as a race starter.

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“Spectator” means any person who has actual or constructive knowledge that they are present at an illegal race event with intent to view, observe, watch, record, support, encourage, or witness the event as it progresses, whether on public or private property.

“Stay Out of Areas of Racing (SOAR)” means those areas specifically designated by the City as no racing zones due to frequent use for illegal race events.

“Street” means rights-of-way as provided in SMC 12.15.020.

“Street Racing” means an exhibition of speed; the action of a person(s) who willfully compare or contest of relative speeds by operation of one or more motor vehicles, whether or not such speed is in excess of the maximum speed prescribed by law, as provided in RCW 46.61.530, as amended, whether the comparison or contest is against another vehicle, clock, or other timing device. Street racing includes a contest or exhibition of speed whether in a parallel or circular direction and may occur both on streets and in off-street parking areas.

10.22.030 Street Racing Prohibited.

- A. No person shall knowingly engage or participate in street racing on a street or within an off-street parking facility within the city.
- B. Violations of this section shall be a gross misdemeanor punishable as provided in RCW 46.61.500 Reckless driving, as amended. In addition to the penalties provided for in RCW 46.61.500, upon conviction, the Court may impound the person’s vehicle for up to thirty (30) calendar days.

10.22.040 Spectating of Street Racing Prohibited.

- A. No person shall knowingly spectate at an illegal race event or, where preparations are being made for an illegal race event with the intent to be present at the illegal race event.
- B. For the purpose of this section, a person shall be considered present if within 200 feet of the location of the illegal race event or the location where preparations are being made for the illegal race event, whether on public or private property.
- C. Nothing in this section prohibits law enforcement officers from being spectators in the course of their official duties.
- D. Violations of this section shall be a misdemeanor punishable as provided in SMC 9.10.050.

10.22.050 Designation of No Racing Zones.

- A. Certain areas of the city are designated and identified as “No Racing Zones.” These zones are frequented by illegal racers and those who attend illegal race events because of

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their characteristics, such as straight, wide, long, and with low traffic volumes during nighttime hours.

- B. The following described areas are identified and designated as No Racing Zones:
1. Aurora Avenue North, from North 145th Street to the King/Snohomish County line;
 2. 15th Avenue Northeast, from North 145th Street to Ballinger Way Northeast;
 3. North Richmond Beach Road, from North 185th Street to Northwest Richmond Beach Road
 4. Northwest Richmond Beach Road, from North Richmond Beach Road to Richmond Beach Drive Northwest.
- C. The boundaries of the designated No Racing Zones identified by this section shall be shown and generally delineated on the No Racing Zones map accompanying the ordinance codified in this section and hereby incorporated by reference. The No Racing Zones map shall be maintained as such and will be on file at City Hall.
- D. No Racing Zones shall include the full width of streets and adjoining property areas, including sidewalks, planting strips, and parking areas if those areas are being use for racing or race attendance, regardless of whether such property is a public place or is private property.
- E. No Racing Zones shall be designated by the placement of clear and conspicuous signs at all street/highway entrances to the “No Racing Zone.” At a minimum, these signs shall advise that the area is a “No Racing Zone”; that race attendance is prohibited; and violators are subject to SMC Chapter 10.22.

10.22.060 Stay Out of Areas of Racing Orders.

- A. In addition to any other penalty imposed by this section, the city attorney or city prosecuting attorney, after consultation with the chief of police, may seek a Stay Out of Areas of Racing (SOAR) order from the district court as a condition of pre-trial release or a condition of sentence, deferral, or suspension for any person found to be in violation of this chapter when the illegal race event occurred within a designated No Racing Zone.
- B. A district court may enter a SOAR order prohibiting a person from entering or remaining in a No Racing Zone for up to one year. The SOAR order shall be in writing, contain any conditional exceptions imposed by the court, and shall bear the following language:
- Violation of this court order is a criminal offense under SMC 10.22.050 and shall constitute a separate criminal offense. Violators will be subject to arrest and their vehicle subject to impound.*
- C. The district court in its discretion may allow a person subject to a SOAR order to enter a No Racing Zone under certain conditional exceptions. Exceptions to the SOAR order may include travel to and from and/or remaining in the following locations so long as these locations apply to or are used by the person who is subject of the SOAR order:

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1. Place of residence;
 2. Court/government offices (while open to the public);
 3. Social services provider or treatment center;
 4. Place of employment;
 5. School;
 6. Attorney's office; or
 7. Medical services.
- D. If the court allows for exceptions in the SOAR order, the person subject to that order is required to have a copy of the order on their person whenever they are traveling through a No Racing Zone. Failure to present this order upon request by law enforcement is a violation of the SOAR order and subject to the penalties set forth in this chapter. For the purpose of this section, "travel" is defined as movement on foot or in a vehicle from one point to another without delay.
- E. Upon entering a SOAR order, the clerk of the court shall forward a copy of the order to the city of Shoreline police department on or before the next judicial day following issuance of the order. Upon receipt, Shoreline police shall enter the order into the appropriate law enforcement information system, noting the expiration date of the SOAR order.
- F. Notice of SOAR Order. A person is deemed to have notice of the SOAR order when:
1. The signature of either the person named in the order is affixed to the bottom of the order, acknowledging receipt of the order; or
 2. The order otherwise indicates that the person appeared before the court at the time the order was entered.
- G. Enforcement Procedure.
1. If a law enforcement officer has probable cause to believe that a person subject to a SOAR order, and in the officer's presence, is knowingly violating that order, such person may be arrested without the necessity for any warrant or additional court order and may impound the vehicle as provided in SMC 10.22.030(C).
 2. The chief of police, in consultation with the city attorney, shall have the authority to promulgate procedures for the administration of this chapter.
- H. Penalties.
1. Violations of any person who knowingly violates a SOAR order shall be guilty of a gross misdemeanor.



*** For Immediate Release ***

Captain Neil Weaver
Government and Media Relations

Date: May 14, 2021
Contact: Trooper Chase Van Cleave
Email: Chase.vancleave@wsp.wa.gov
Phone: (425) 240-4161
Twitter: @wspd2pio

Multiple Agencies Come Together to Address Street Racing

King County: In response to the increased illegal street racing and street/freeway takeover activities across the region, and inherent recklessness of those in attendance the Washington State Patrol (WSP) and multiple other police agencies throughout the Puget Sound region have come together to focus on this important public safety issue. In early 2021 multiple King, Pierce, and Snohomish county police agencies came together and coordinated their efforts to respond to, and investigate illegal street racing related incidents in the region. In addition to law enforcement collaboration, local municipal and county prosecutors have voiced their support and dedication to improving public safety in responding to this significant public safety issue.

Since early March, investigators from the Tacoma and Kent Police Departments, the Washington State Fusion Center, and the WSP have all worked together to identify and arrest multiple suspected racers, and forwarded over 220 different charges against 29 different people in relation to these incidents. These charges range from Reckless Driving, Reckless Endangerment, Disorderly Conduct, and Malicious Mischief all the way up to Vehicular Assault. Charges have been forwarded on suspected organizers, drivers and spectators who contribute to these events.

This problem is not new, nor is it unique to our region. In fact, this is a trend seen in many large cities across the country. But with it has come repeated instances of this reckless and irresponsible behaviors leading to serious injuries of those involved in the racing activities and the bystanders watching alike. It is a unified goal to bring attention, enforcement, and an end to the reckless behavior that has resulted in multiple fatal and serious injury incidents in relation to street racing events. These joint efforts and collaboration on the part of law enforcement agencies and prosecutors across the region will continue to be dedicated towards street racing as long as it continues to be a nuisance and danger to the public, as well as an inconvenience to those motorists impacted by this behavior.

Captain Ron Mead, commander of field operations for the WSP in District 2 (which encompasses all of King County), stated "This regional problem exceeds the ability of any single law enforcement agency to address it alone. By working together we hope to bring these unsafe and illegal behaviors that pose significant risks to those involved, bystanders, and uninvolved motorists to an end. Through coordinated efforts, better use of resources, and collaboration with local prosecutors' offices, participants in this dangerous activity will be held accountable for the betterment of public safety."

Senior Deputy Prosecuting Attorney Stephen A. Herschkowitz, King County Prosecuting Attorney's Office added, "The King County Prosecuting Attorney's Office is committed to helping protect the safety of our communities' streets by working closely with WSP and other county agencies for this special emphasis. While sometimes glamorized, reckless racing and drifting outside appropriate venues is extraordinarily dangerous. Recently, several people in our county have been severely injured, and one has died, as a result of these

illegal street-racing activities. Our office is proud to provide legal assistance to our law-enforcement partners as part of this emphasis team.”

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