

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

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

**PROBLEM/ISSUE STATEMENT:**

Street racing is extremely difficult to address under current laws. 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 more successfully 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 would provide Shoreline Police with another tool to help curb this activity, potentially preventing serious injury, fatalities, and criminal activity that can be associated with street racing.

Tonight, the City Council is scheduled to take action on proposed Ordinance No. 937 (Attachment A), which would amend the Shoreline Municipal Code to add a new chapter, Chapter 10.22, regarding Street Racing, addressing both racers as well as spectators. Proposed Ordinance No. 937 was discussed by the City Council on June 21, 2021. Council directed that staff bring back this proposed Ordinance tonight for potential action.

**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**

Staff recommends that the City Council adopt Ordinance No. 937 as set forth in Attachment A to this staff report.

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

## **BACKGROUND**

Street racing has recently seen a substantial growth nationwide and within the Puget Sound area. Street racing events can, and frequently do, result in collisions, serious injury and fatalities (to both participants and innocent bystanders), fights, drug use, as well as other crimes that can adversely impact the community. Other types of reckless driving also occurs at these events, including squealing of tires while the vehicles is stationary or in motion, rapid acceleration, producing smoke from 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 also 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.

There are many examples of street racing that have occurred in the region and across the Country. The City of Shoreline is also 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.

Street racing is extremely difficult to address under current laws. 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 more successfully 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 would provide Shoreline Police with another tool to help curb this activity, potentially preventing serious injury, fatalities, and criminal activity that can be associated with street racing.

## **DISCUSSION**

Tonight, the City Council is scheduled to take action on proposed Ordinance No. 937 (Attachment A), which would amend the Shoreline Municipal Code to add a new chapter, Chapter 10.22, regarding Street Racing, addressing both racers as well as spectators (Exhibit A). At the June 21, 2021 Council Meeting, the City Attorney’s Office and Shoreline Police jointly presented the proposed amendments in proposed Ordinance No. 937. The staff report for this Council discussion can be viewed at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/Agendas/Agendas2021/062121.htm>.

At this Council meeting, members of the City Council had questions on the following topics in the proposed Ordinance:

- No Racing/Stay Out of Areas of Racing (SOAR) Zones,
- Stay Out of Areas of Racing (SOAR) Orders,
- Private and public property, and
- Impound of Vehicles.

The following section of this staff report provides additional information on these topics.

### No Racing/SOAR Zones

The City Council had questions pertaining to why the proposed Ordinance would just designate three (3) roads – Aurora Avenue, 15<sup>th</sup> Avenue, and Richmond Beach Road – as No Racing or SOAR Zones (proposed SMC 10.22.050). Shoreline Police explained that these are the areas in which street racing has generally occurred in the past and, therefore, felt that designating these roads would address many incidents. This does not mean that street racing is not prohibited throughout the City. No Racing Zones are utilized as a deterrent for those convicted of street racing (see below for a discussion of SOAR Orders). If the primary areas of street racing shift to other roads, than the regulations could be amended to designate those roads as well, thereby allowing the Court to issue orders applicable to those roads. Police believe that imposing a No Racing Zone citywide could be burdensome.

In addition, as the regulations require, the City will post signage not only in the No Racing Zones but at primary entrances to the City denoting that street racing and spectating is illegal. The City's Traffic Engineer estimates that this will require approximately 16 signs.

### SOAR Orders

The City Council also had questions pertaining to the viability of using SOAR Orders (proposed SMC 10.22.060), noting that SODA (Stay out of Drug Area) Orders have not been seen as successful. As staff noted, many jurisdictions are utilizing SOAR Orders successfully, or more successfully than those cities without the ability to seek such orders. SOAR Orders provide additional consequences for a person convicted of street racing, including arrest and vehicle impoundment if they are found within the zone. In addition, issuance of a SOAR Order is under the Municipal Court's discretion upon request by the City Prosecutor. In this regard, the Municipal Court can place conditions based on a case-by-case review and, if such Orders do not serve to deter, presumably the City Prosecutor would not seek and/or Municipal Court would not impose such an Order. However, until or unless that determination is made, SOAR Orders do provide Shoreline Police with an additional tool against repeat street racing offenders.

### Private and Public Property

As noted by staff, the proposed regulations prohibit street racing on a street or within an off-street parking facility (proposed SMC 10.22.030(A)). "Off-street parking facility" is defined as being a public or private parking area. The inclusion of these off-street parking facilities was intended to address the use of such areas as church or grocery store parking lots for street racing activities. With respect to enforcing on private property, activity that is clearly illegal is subject to citation, even if it occurs on private

property. In addition, as the City Attorney noted at the last meeting, these private establishments also have another enforcement mechanism by seeking to trespass a violator from their property.

### Impound of Vehicles

One of the most frequent questions from City Councilmembers pertained to the impounding of vehicles. Impounding was discussed and researched by staff when developing the proposed regulations. Taking into consideration the Washington State Supreme Court's ruling in *State v. Villela*, 194 Wn 2d 562 (2019), staff did not draft regulations recommending summary impoundment of a vehicle. Rather, staff elected to authorize the Municipal Court to have the discretion to impound a vehicle upon conviction of street racing. Shoreline Police could also impound, as is currently authorized by state law, but would do so on a case-by-case basis. Even with a SOAR Order violation, Police would still consider reasonable alternatives and would act consistently with King County Sheriff Office Policies.

There was also concern that impounding a vehicle could provide an economic penalty that could impact other individuals if the vehicle used is not owned by the violator. By limiting impound by Shoreline Police to situations where there are no reasonable alternatives to impound and by allowing the Municipal Court to exercise its discretion to impound but only upon conviction, financial impacts should only arise in egregious cases. As to the impact on other individuals, while there is a potential that a vehicle could be impounded that does not belong to the violator, the types of vehicles used for these races are unlikely to be driven by others. Additionally, if impounded, the registered owner could still recover the vehicle subject to payment of the impound. Staff believes that under both the regulations and state law, there would be limited situations in which a vehicle would be impounded where a non-participating individual is required to suffer the burden of the impounded fee. Given the protections that would reduce the likelihood of a non-participating person having their vehicle impounded, having impound available to deter the extremely dangerous behavior of those that are otherwise not deterred is a tool that could be utilized in certain circumstances.

### Drafting Error in SMC 10.22.060(G) – Enforcement Procedure

Council noted that SMC 10.22.060(G) cross references 10.22.030(C), a provision that does not exist in the proposed regulations. Staff corrected this error in proposed Ordinance No. 937 and modified the section to align with the intent. The intent is that if a person is found to violate a SOAR Order, then police could impound a vehicle. Of course, such an impound would still be subject to the reasonable alternatives ruling of *State v. Villela* or would be in response to a court order, as noted above.

## **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**

Staff recommends that the City Council adopt Ordinance No. 937 as set forth in Attachment A to this staff report.

## **ATTACHMENTS**

Attachment A: Ordinance No. 937

Attachment A, Exhibit A: Proposed Street Racing Regulations, SMC Chapter 10.22

**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, it 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 within 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

## **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.



“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.**

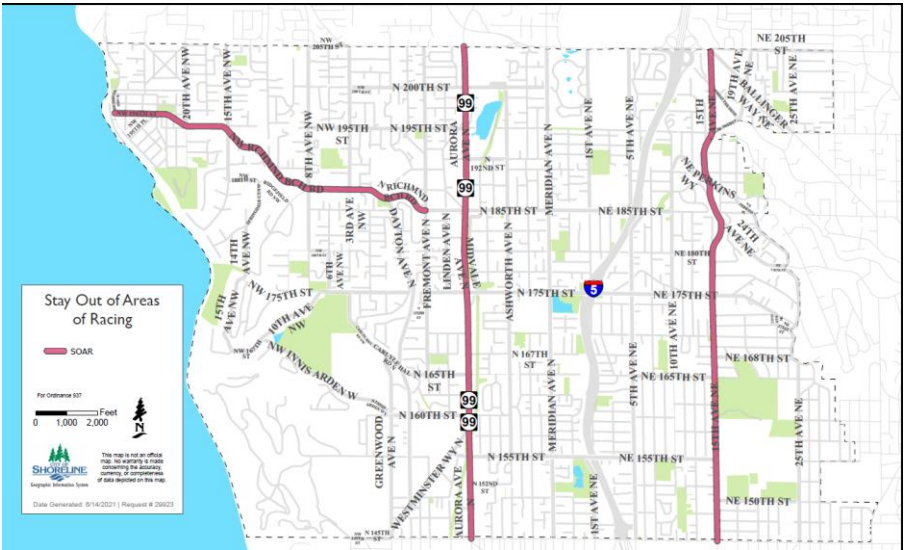
- A. No person shall knowingly spectate at an illegal race event or, where preparations are being made for an illegal race event with the intent to be present at the illegal race event.
- B. For the purpose of this section, a person shall be considered present if within 200 feet of the location of the 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

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. 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.
- D. 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:
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 pursuant to state law or court-imposed conditions of the SOAR order

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.