

**Subject:** Ordinance #1546 – Adoption of New Ch. 16.01 RMC – Prohibit Street Racing and establishing Locations, standards, and Penalties for the same.

**Dept. Origin:** Police Department

**Prepared by:** Jennifer Robertson  
 City Attorney

**For Agenda of:** June 1, 2021

**Exhibits:** Ordinance #1546

**Proposed Council Action:**

This is scheduled for Second Reading and Action.

<b>Concurred by Mayor:</b>	Initial & Date
<b>Approved/form by City Atty:</b>	<u>JSR/5-19-21</u>
<b>Approved by _____ Director:</b>	_____
<b>Approved by Department Head:</b>	_____

**INFORMATION / BACKGROUND**

Since the start of the pandemic, certain streets of the City of Ruston have become favorite sites for young persons to congregate in large numbers and, together with their vehicles, engage in an activity known as “racing”. This is an issue both across Pierce County and the greater region. The racing consists of driving at high speeds on certain streets and may include driving unsafely, purposely squealing tires, and other activities which disrupt and create danger for pedestrians and other vehicles. This creates a public safety hazard as well as a disturbance due to the noise. These activities have served to deprive the residents along and near these streets of the peaceful enjoyment of their property since the racing activities often occurs in the nighttime hours when the property owners are trying to sleep. These activities have also made it unsafe for residents who may walk, bike, or drive in the area.

The County is working on an emphasis patrol to stop these dangerous and disturbing activities. Ruston is participating in these activities. In addition, cities in Pierce County are encouraged to adopt local ordinance to prohibit these activities.

The final section of the ordinance creates new local violations for certain state laws when they occur in the “no racing” zones. Since these are local violations, the Council will need to adopt the fines for these activities. When this ordinance is brought back for second reading and action, it will be accompanied by a resolution which sets forth the applicable fines.

**FISCAL CONSIDERATION**

The fines that will be adopted will help to defer some of the enforcement costs. The suggested fines are contained in Resolution No. 728.

**RECOMMENDATION / MOTION**

Adopt Ordinance No. 1546.

MOTION: I move to adopt Ordinance No. 1546 regarding racing on city streets and in public places, establishing a new Chapter 16.10 of the Ruston Municipal Code to prohibit street racing and attendance at street racing events and establish penalties therefore; establishing violations of City code for certain actions in the no racing zone.

**ORDINANCE NO. 1546**

**AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING RACING ON CITY STREETS AND IN PUBLIC PLACES, ESTABLISHING A NEW CHAPTER 16.10 OF THE RUSTON MUNICIPAL CODE TO PROHIBIT STREET RACING AND ATTENDANCE AT STREET RACING EVENTS AND ESTABLISH PENALTIES THEREFORE; ESTABLISHING VIOLATIONS OF CITY CODE FOR CERTAIN ACTIONS IN THE NO RACING ZONE; AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, certain streets of the City of Ruston have become favorite sites for young persons to congregate in large numbers and, together with their vehicles, engage in an activity known as “racing”; and

WHEREAS, racing consists of driving at high speeds on certain streets and may include driving unsafely, purposely squealing tires, and other activities which disrupt and create danger for pedestrians and other vehicles; and

WHEREAS, these activities have served to deprive the residents along and near these streets of the peaceful enjoyment of their property since the racing often occurs in the night time hours when the property owner are trying to sleep; and

WHEREAS, on May 18, 2021, the City Council held first reading of this Ordinances; and

WHEREAS, on June 1, 2021, the City Council held second reading of this Ordinance; and

WHEREAS, after due consideration, the City adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** A new Chapter 16.10 is hereby added to the Ruston Municipal Code to read as follows:

**Chapter 16.10**  
**STREET RACE ATTENDANCE**

Sections:

- 16.10.010 Definitions.**
- 16.10.020 SOAR orders.**
- 16.10.030 Designated “no racing zones.”**
- 16.10.040 Unlawful race attendance prohibited.**
- 16.10.050 Issuance of SOAR orders.**
- 16.10.060 Violation of SOAR orders.**
- 16.10.070 Additional Violations.**

**16.10.010 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) “SOAR” is an abbreviation for “Stay Out of Areas of Racing.”

(c) “Unlawful race event” means an event wherein persons willfully compare or contest relative speeds by operation of one or more motor vehicles.

(d) “Speed exhibition” means the operation of a motor vehicle to present a display of speed, maneuverability, or power. “Speed exhibition” 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 the highway or ground, and the over-revving of a vehicle motor while stationary or in motion in a manner which produces alarming audible note from a vehicle’s motor or exhaust system merely for demonstration and without reasonable purpose.

(e) “Caravanning” means the travelling together of three (3) or more motor vehicles in line or abreast of one another for the purpose of participating or viewing a speed exhibition in-progress or in the immediate future in the “no racing zone.”

(f) “Congregating or lingering” means to park in groups of three (3) or more vehicles where the occupants and others gather in the immediate vicinity of their vehicles for more than 20 minutes in the “no racing zone.”

**16.10.020 SOAR orders.** A SOAR order prohibits persons from engaging in racing or unlawful race attendance within a “no racing zone,” as set forth in RMC 16.10.030.

**16.10.030 Designated “no racing zones.”**

(a) The areas designated herein are “no racing zones”:

1. Ruston Way at Ruston City limits through the roundabout which serves Yacht Club Road, N. 51<sup>st</sup> Street and N. Baltimore Avenue;
2. Yacht Club Road between Ruston Way to the Ruston City limits near Dune Peninsula Park;
3. N. 51<sup>st</sup> Street between Ruston Way and N. Pearl Street;
4. N. Baltimore Street between Ruston Way and the alleyway which runs parallel with N. 49<sup>th</sup> Street;
5. N. 49<sup>th</sup> Street between N. Orchard Street and N. Pearl Street;
6. Northbound N. Pearl Street between N. 49<sup>th</sup> Street and N. Park Avenue; and
7. N. Commercial Street between N. Winnifred Street and N. Baltimore Street.

(b) These “no racing zones” include the locations listed in subsection (a) of this section, 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 regardless of whether such property is a public place or is private property. 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”; and “RMC 16.10.040.”

**16.10.040 Unlawful race attendance prohibited.**

(a) Any person (1) who has actual or constructive knowledge that he or she is in 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 RMC 16.10.030;
2. The person is associating with persons racing in an unlawful race event;
3. The person has engaged in caravanning to or from an unlawful racing event;
4. The person has congregated or lingered at or near an unlawful racing event;

5. 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;
6. 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;
7. 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;
8. 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
9. 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.

**16.10.050 Issuance of SOAR orders.**

(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 pretrial 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 SOAR order shall contain the court's directives and shall bear the statement:

Violation of this order is a criminal offense and will subject the violator to arrest and may result in the impound of the violator's vehicle for a period of up to fifteen days for the first violation, and up to thirty days for subsequent violations.

**16.10.060 Violation of SOAR orders.**

(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 set forth in the SOAR order, 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 misdemeanor.

#### **16.10.070 Additional Violations.**

Additional violations listed below which occur in the “no racing zone” shall be enforceable and subject to civil penalty and monetary fines as established by the Ruston City Council.

(a) Operating a vehicle with modified exhaust in violation of RCW 46.37.390; every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device. Additionally, no person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by this section, or which has been amplified as prohibited by this section. This section does not apply to vehicles which are twenty-five or more years old.

(b) Operating a vehicle with illegal tint on windows in violation of RCW 46.37.430; no person shall operate a motor vehicle where the maximum level of net film sun screening applied to any window, except the windshield, shall have a total reflectance of thirty-five percent or less, and a light transmission of twenty-four percent or more, where the vehicle is equipped with outside rearview mirrors on both the right and left as measured by a properly calibrated tint meter. RCW 46.37.430.

(c) Operating a vehicle which qualifies as a passenger vehicle which is lowered below legal clearance in violation of RCW 46.61.680; it is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with such roadway.

(d) Violating the requirement to obey traffic control devices in accordance with RCW 46.61.050; the driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto.

(e) Operating a vehicle without compliance with the requirements for license plates in accordance with RCW 46.16A.200; both vehicle license plates must be attached conspicuously at the front and rear of each vehicle if two license plates have been issued and may not have any covering which impairs its’ legibility in any manner.

**Section 2. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 3. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 4. Effective Date.** This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 1st day of June, 2021.

APPROVED by the Mayor this 1st day of June, 2021.

\_\_\_\_\_  
Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Judy Grams  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jennifer S. Robertson  
City Attorney's Office

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO: 1546