

CITY OF ALGONA, WASHINGTON

ORDINANCE NO. 1234-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALGONA, WASHINGTON; AMENDING TITLE 10 AMC BY THE ADDITION OF A NEW CHAPTER 10.30 STREET RACING THERETO; PROHIBITING STREET RACING AND SPECTATING OF STREET RACING WITHIN THE CITY; DESIGNATING CERTAIN AREAS WITHIN THE CITY AS “NO RACING ZONES”; SETTING FORTH PENALTIES AND REMEDIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City regulates vehicles and traffic through the provisions codified at Title 10 of the Algona Municipal Code (AMC); and

WHEREAS, in 2023 the Washington Legislature adopted Senate Bill (SB) 5606, updating and amending the state law provisions governing illegal street racing and providing penalties and remedies therefor, including without limitation criminal sanctions and vehicle impoundment; and

WHEREAS, consistent with SB 5606, the City Council desires to amend Title 10 AMC by adopting a new chapter specifically prohibiting street racing and spectating of street racing, and designating certain areas within the City as “no racing zones”; and

WHEREAS, the new regulations set forth in this ordinance will serve the public interest by protecting and enhancing the safety of vehicular, nonmotorized, and pedestrian traffic within the City;

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

Section 1. Amendment of Title 10 AMC—Addition of New Chapter 10.30. Title 10 of the Algona Municipal Code is hereby amended by the addition of a new Chapter 10.30 AMC Street Racing to provide in its entirety as contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF THIS ____ DAY OF APRIL 2024.

Troy Linnell, Mayor

ATTEST:

Dana Parker, City Clerk

APPROVED AS TO FORM:

J. Zachary Lell
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.: XXXX-XX
Date of Publication:

Exhibit A

Chapter 10.30 STREET RACING

Sections:

10.30.010	Purpose and authority.
10.30.020	Definitions.
10.30.030	Street racing prohibited.
10.30.040	Spectating of street racing prohibited.
10.30.050	Designation of no racing zones.
10.30.060	Stay out of areas of racing orders.
10.30.070	Authority preserved.

10.30.010 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 chapter is adopted to prohibit not only street racing itself but also 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 35A.11.020.

Chapter 10.01 AMC 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 a gross misdemeanor, with not less than 30 days' license suspension.

10.30.020 Definitions.

"Drifting" means a driver intentionally oversteers a vehicle, causing loss of traction, while maneuvering a vehicle in a turning direction.

"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 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.

“Street” means land acquired or dedicated for public and private roads and thoroughfares for vehicle use.

“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, or who willfully demonstrates, exhibits, or compares speed, maneuverability, or the power of one or more motor vehicles, including "drifting," whether or not such speed is in excess of the maximum speed prescribed by law, as provided in RCW 46.61.530, as amended, regardless of 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.

10.30.030 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 30 calendar days.

10.30.040 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 AMC 1.24.010.

10.30.050 Designation of no racing zones.

A. Certain areas of the city are designated and identified as “no racing zones.” These zones are or have been 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. All of Boundary Blvd and South on Algona Blvd to 7th Ave N;
2. Milwaukee Blvd N from 5th Ave N to Boundary;
3. All of Pacific Ave N from 1st Ave N to the South City Limits; and
4. All of Ellingson Rd from the East City Limits to the West City Limits.

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 used 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 Chapter 10.30 AMC.

10.30.060 Stay out of areas of racing orders.

A. In addition to any other penalty imposed by this chapter, 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. The 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 AMC 10.30.050 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;
7. Place of worship; or
8. 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 police department on or before the next judicial day following issuance of the order. Upon receipt, the police department 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 the officer may impound the person's 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. Any person who knowingly violates a SOAR order shall be guilty of a gross misdemeanor.

10.30.070 Authority preserved.

The penalties and remedies set forth in this chapter are nonexclusive, and are without prejudice to any and all other applicable penalties and remedies under state law and/or this code.