

**ORDINANCE NO. 2766
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING CHAPTERS 9.46 AND 9.47 OF THE SUMNER MUNICIPAL CODE REGARDING UNLAWFUL RACE ATTENDANCE AND STAY OUT OF AREAS OF RACING UPDATING THE DEFINITION OF AN UNLAWFUL RACE EVENT AND ADDING ADDITIONAL AREAS DESIGNATED AS NO RACING ZONES.

WHEREAS, in 2009 the Sumner City Council adopted Ordinance number 2287 creating new sections of the Sumner Municipal Code prohibiting unlawful race attendance under SMC 9.46 and designating certain areas as “no racing zones” under SMC 9.47; and

WHEREAS, since the Ordinance was adopted, police officers have observed other reckless driving activity occurring at these events that do not meet the current definition in the Ordinance as an unlawful race event. This activity includes squealing of tires while the vehicle is stationary or in motion, rapid swerving or weaving, driving in a straight or curved direction, in a circular direction, around corners or in circles in an activity commonly referred to as “drifting” or “hooning” or by breaking traction and leaving visible tire acceleration marks on the surface of the highway or ground; and,

WHEREAS, the City’s Manufacturing and Industrial Center has continued to build out adding new improved roadways and large industrial warehouse parking areas that are attractive locations for unlawful race events that creates the need to expand our current designated no racing zones in certain areas; and

WHEREAS, these unlawful race events and their spectators can cause damage to pavement, curbing, and street striping. Due to the volume of people that attend these unlawful race events, which can number in the hundreds, adjacent private property owners suffer economic loss due to the trash, human waste, and graffiti that is left behind. These events also cause damage to private property by destroying planters, vegetation, and parking lot black top. In addition, due to the high volume of people who attend these events and their uncontrolled nature, there is a substantial risk of death or serious injury to participants and their spectators; and

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to adopt this Ordinance.

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

Section 1. Chapter 9.46 and 9.47 of the Sumner Municipal Code is hereby revised and amended pursuant to Exhibit A, attached hereto and incorporated herein.

Section 2. Severability – Construction. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any

court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, the provisions of this ordinance shall control.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 4. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication, as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 5th day of April, 2021.

DocuSigned by:



William L. Pugh, Mayor

ATTEST:

DocuSigned by:



City Clerk Michelle Converse

APPROVED AS TO FORM:

DocuSigned by:



City Attorney Andrea Marquez

First Reading: April 5, 2021
Date Adopted: April 5, 2021
Date of Publication: April 7, 2021
Effective Date: April 12, 2021

EXHIBIT A

9.46.010 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. "Unlawful race event" means an event wherein persons willfully compare or contest relative speeds by operation of one (1) or more motor vehicles or wherein persons willfully demonstrate, exhibit, or compare speed, maneuverability, or the power of one or more motor vehicles, in a straight or curved direction, in a circular direction, around corners, or in circles in any activity commonly referred to as "drifting," "hooning," or by breaking traction. (Ord. 2287 § 1 (part), 2009)

9.46.020 Unlawful race attendance – Prohibited.

Any person ~~who is (A) who has actual or constructive knowledge that they are~~ in a designated SOAR area, and ~~(B)~~ who has actual or constructive knowledge that an unlawful race event is occurring, has occurred, or is about to occur, and ~~(C)~~ was there with the intent to observe or support or encourage the unlawful race event, is guilty of a misdemeanor. (Ord. 2287 § 1 (part), 2009)

9.47.005 Findings.

The zones listed in SMC 9.47.030 are frequented by illegal racers and those who attend ~~illegal races~~ unlawful race events. These zones attract illegal street racers and their spectators as the roads are straight, wide, and long, and traffic during the dark hours is not heavy. It is in these zones that street racers and their spectators cause damage to pavement, curbing, and street striping. Due to the volume of people that attend illegal street races in these zones, which can number in the hundreds, adjacent private property owners suffer economic loss due to the trash, human waste, and graffiti that is left behind. Street racers also cause damage to this private property by destroying planters and vegetation and parking lot black top. In addition, due to the high volume of people who attend illegal street races, there is a severe risk of danger to the street racers and their spectators. Spectators crowd the streets as vehicles race close by at excessive speeds. This uncontrolled racing environment has been known to cause serious injuries and death around the country. The zones listed in SMC 9.47.030 suffer a much higher incidence of illegal street racing and race attendance than other zones or areas of the city. (Ord. 2287 § 2 (part), 2009)

9.47.010 Stay out of areas of racing – Abbreviation.

As used in this title, the acronym "SOAR" represents "stay out of areas of racing." (Ord. 2287 § 2 (part), 2009)

9.47.015 SOAR orders.

A SOAR order prohibits persons from engaging in racing or unlawful race attendance within a no racing zone, as set forth in SMC 9.47.030. (Ord. 2287 § 2 (part), 2009)

9.47.020 SOAR orders – Issuance.

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 pre-trial 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 written SOAR order shall contain the court's directives and shall bear the statement: "Violation of this order is a criminal offense under SMC 9.47.040 and will subject the violator to arrest." (Ord. 2287 § 2 (part), 2009)

EXHIBIT A

9.47.030 SOAR orders – Designated “no racing zones.”

The SOAR order may apply to any of the following designated “no racing zones”:

- A. 142nd Avenue East from Tacoma Avenue North to 24th Street East.
- B. 24th Street East from ~~136th Avenue East~~ West Valley Hwy E. to 142nd Avenue East.
- C. 8th Street E from the White River Bridge east to the City limits.
~~Fryar Avenue from Main Street to Puyallup Street.~~
- D. 140th Avenue from 16th Street to 24th Street.
- E. 136th Avenue 16th Street to 24th Street E.
- F. 137th Avenue from 16th Street to its merger with 138th Avenue E. continuing south to 24th Street E.
- G. 16th Street E. from 132nd Avenue to its eastern termination point.
- H. West Valley Hwy E. from Sumner Heights Drive to the northern City limits.
- I. Fryar Avenue from Main Street to Puyallup Street.

These “no racing zones” include any highway, as that term is defined in RCW 46.04.197, together with adjoining public places and rights of way ~~property areas~~ (such as sidewalks, entryways, landscaped areas, and parking areas) if those adjoining areas are being used for unlawful race events ~~racing~~ or unlawful race attendance.

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; SMC 9.46.020 – SMC 9.47.030.” (Ord. 2287 § 2 (part), 2009)

9.47.040 SOAR orders – Violation.

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 gross misdemeanor and shall be punishable by a fine not to exceed \$5,000 or imprisonment not to exceed more than one year, or both. (Ord. 2287 § 2 (part), 2009)

Certificate of Completion

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Document Pages: 24	Signatures: 17
Certificate Pages: 5	Initials: 1
AutoNav: Enabled	Envelope Originator:
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William L. Pugh
mayorbill@sumnerwa.gov
Mayor
Security Level: Email, Account Authentication (None)

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Michelle Converse
michellec@sumnerwa.gov
City Clerk
City of Sumner
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How to contact Zones OBO City of Sumner:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: noelc@sumnerwa.gov

To advise Zones OBO City of Sumner of your new email address

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- Until or unless you notify Zones OBO City of Sumner as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Zones OBO City of Sumner during the course of your relationship with Zones OBO City of Sumner.