

ORDINANCE NO. 23-1284

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING TITLE 9 OF THE LAKE FOREST PARK MUNICIPAL CODE ("LFPMC") PUBLIC PEACE, MORALS, AND WELFARE, ESTABLISHING A NEW CHAPTER, 9.35 LFPMC STREET RACING

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

WHEREAS, by designating certain streets that are frequented by illegal racers and authorizing the court to impose additional penalties for subsequent violations, it will serve as a further deterrent; and

WHEREAS, on September 25, 2023, November 30, 2023, and December 14, 2023, the City Council held public meetings on the proposed Lake Forest Park Municipal 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 LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. AMENDMENT; ESTABLISHING NEW CHAPTER 9.35 STREET RACING. Title 9 of the Lake Forest Park Municipal Code ("LFPMC"), Public Peace, Morals and Welfare, is amended as set forth in Exhibit A to this Ordinance to establish Chapter 9.35 LFPMC, Street Racing.


Section 2. SEVERABILITY. Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication.

APPROVED BY A MAJORITY the Lake Forest Park City Council this 14th day of December, 2023.

APPROVED:



Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:



Matthew McLean
City Clerk

APPROVED AS TO FORM:



Kim Adams Pratt
City Attorney

Introduced:	November 30, 2023
Adopted:	December 14, 2023
Posted:	December 19, 2023
Published:	December 19, 2023
Effective:	December 24, 2023

EXHIBIT A

Chapter 9.35 - Street Racing

9.35.010 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.

Chapter 10.04 LFPMP 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.

9.35.020 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.

"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, 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.

9.35.030 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.

9.35.040 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 LFPMP 1.16.010.

9.35.050 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. State Route 522 from NE 145th Street to the Lake Forest Park/Kenmore City line
 - 2. State Route 104 from NE 195th Street to State Route 522
 - 3. NE 178th Street from 25th Avenue NE to State Route 104
 - 4. NE Perkins Way/NE 180th Street from 23rd Avenue NE to NE 178 Street
- 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 Chapter 9.35 LFPMP