

ORDINANCE NO. 5933

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON CREATING A NEW CHAPTER 9.86 OF THE AUBURN CITY CODE RELATING TO STAY OUT OF AREAS OF RACING

WHEREAS, like other cities in King County and across the State of Washington, Auburn has seen a resurgence of activity involving unauthorized and illegal racing in certain segments of the City; and

WHEREAS, these activities pose danger to persons and property, as well as interfering with safe use of city streets and rights-of-way and disturbing the peace and quite of the community; and

WHEREAS, in order to address these situations, it is appropriate for the city to implement a "stay out of areas of racing" strategy by which the law enforcement, legal and municipal court resources can be engaged to address the attendant problems.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Adoption of New Chapter to City Code. That a new Chapter 9.86 of the Auburn City Code, be, and the same is hereby created to read as follows:

Chapter 9.86
STAY OUT OF AREAS OF RACING – SOAR

Sections:

- 9.86.010 Stay Out of Areas of Racing – Abbreviation.
- 9.86.020 Definitions.
- 9.86.030 SOAR orders.

SEP 15 2005

- 9.86.040 SOAR orders – Issuance.
- 9.86.050 SOAR orders – Designated “No Racing Zones.”
- 9.86.060 SOAR orders – Violation.
- 9.86.070 Unlawful race attendance – Prohibited.

9.86.010 Stay Out of Areas of Racing – Abbreviation.

As used in this Chapter, the acronym “SOAR” represents “Stay Out of Areas of Racing.”

9.86.020 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 or more motor vehicles or wherein persons willfully demonstrate, exhibit or compare speed of one or motor vehicles in a side to side or parallel direction, and/or circular direction, in an activity commonly referred to as “drifting.”

9.86.030 SOAR orders.

A SOAR order prohibits persons from engaging in racing or unlawful race attendance within a no racing zone, as set forth in Section 9.86.050 of this Chapter, between the hours of 10:00 p.m. and 5:00 a.m., and at such other times as are specifically set forth in the order.

9.86.040 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 Section 9.86.050 of this Chapter and will subject the violator to arrest.”

9.86.050 SOAR orders – Designated “No Racing Zones.”

The SOAR order may apply to any of the following “No Racing Zones” within the city limits of the City between the hours of 10:00 p.m. and 5:00 a.m., and/or at such other times as are specifically set forth in the order:

- A. The 1400 through 5000 Blocks of 'B' St NW (to 277th);
- B. The 4400 through 5000 Blocks of 'D' St NW (to 277th);
- C. The 4400 through 5000 Blocks of Frontage Road NE (to 277th);
- D. The 1500 through 2000 Blocks of Pike St NW;
- E. The 3700 through 4000 Blocks of 'I' St NW;
- F. Lake Tapps Parkway, from Old Man Thomas Road to East Valley Highway;
- G. Foster Ave SE, from 55th Ave SE to the terminus to the north;
- H. 15th Street SW, from 'C' St SW to West Valley Highway;
- I. Riverview Drive NE, from 14th Street NE to 22nd Street NE.

These “No Racing Zones” include any highway, as that term is defined in RCW 46.04.197, 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.

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.

9.86.060 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 imposed upon that person by the court as a condition of his or her pre-trial release or condition of sentence, 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 five thousand dollars (\$5,000) or imprisonment not to exceed more than one (1) year, or both.

9.86.070 Unlawful race attendance – Prohibited.

Any person (1) who has actual or constructive knowledge that they are in a designated SOAR area, and (2) who has actual or constructive knowledge that an unlawful race event is occurring, has occurred, or is about to occur, and (3) intends to observe or support or encourage the unlawful race event, is guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed more than ninety (90) days, or both.

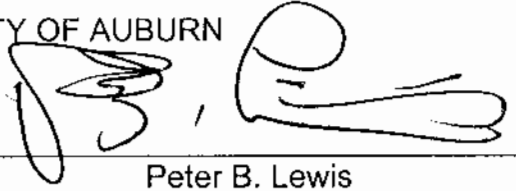
Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this ordinance.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

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

INTRODUCED: SEP 6 2005
PASSED: SEP 6 2005
APPROVED: SEP 6 2005

CITY OF AUBURN



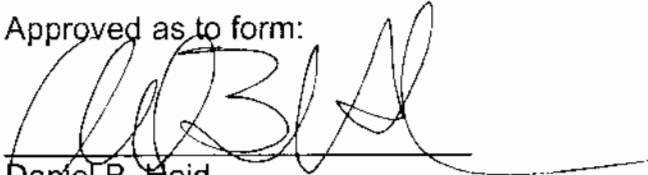
Peter B. Lewis
Mayor

Attest:



Danielle E. Daskam
City Clerk

Approved as to form:



Daniel B. Heid
City Attorney

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