



ORDINANCE NO. 28811

1 BY REQUEST OF DEPUTY MAYOR USHKA AND COUNCIL MEMBERS HINES,
2 McCARTHY, AND RUMBAUGH

3 AN ORDINANCE relating to Model Traffic Ordinance; amending Chapter 11.05 of
4 the Tacoma Municipal Code, the Model Traffic Ordinance, by adding
5 thereto a new Section 11.05.133, to be known and designated as “Unlawful
6 exhibition of speed attendance prohibited,” relating to prohibiting
7 attendance at unlawful exhibitions of speed.

8 WHEREAS, in March 2021, the City Council passed Ordinance No. 28748,
9 amending Chapter 11.05 of the Tacoma Municipal Code (“TMC”), relating to the
10 Model Traffic Ordinance, by adding a new Section 11.05.132, entitled “Unlawful
11 exhibition of speed prohibited,” relating to unlawful speed exhibition activities within
12 City limits, and

13 WHEREAS “unlawful exhibition of speed” means the operation of a motor
14 vehicle to present a display of speed, maneuverability, or power; and “speed
15 exhibition” includes, but is not limited to, squealing the tires of a motor vehicle
16 while it is stationary or in motion, rapid acceleration, rapid swerving or weaving,
17 drifting, producing smoke from tire slippage, or leaving visible tire acceleration
18 marks on the surface of the highway or ground, and

19 WHEREAS any person who operates a motor vehicle in or during an
20 unlawful exhibition of speed is guilty of a misdemeanor, which is punishable by up
21 to 90 days in jail, up to a \$1,000 fine, or by both such imprisonment and fine, and

22 WHEREAS Ordinance No. 28748 did not include a prohibition of spectator
23 attendance at unlawful exhibitions of speed, and

24 WHEREAS prohibiting spectator attendance is frequently seen in other
25 municipal laws seeking to address street racing and exhibitions of speed, and
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1 preventing spectator attendance removes the motivation of performing for
2 audiences and can help remove the entertainment and attention aspect of
3 exhibition of speed events, as such events often go viral when filmed and posted to
4 social media or YouTube, and

5 WHEREAS event attendees may also help coordinate events, playing roles
6 such as “flaggers,” timekeepers, lookouts with computers mounted in their cars,
7 cell phones, police scanners, and Web sites that announce race locations and
8 calculate the odds of getting caught by the police, and

9 WHEREAS crowd management and safety limits actions first responders
10 can take when responding to exhibition of speed events, and

11 WHEREAS, at the Study Session of March 29, 2022, Council Member
12 Rumbaugh presented a Council Consideration Request to amend TMC 11.05 to
13 add language prohibiting spectator attendance at unlawful exhibitions of speed;
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15 Now, Therefore,

16 BE IT ORDAINED BY THE CITY OF TACOMA:

17 Section 1. That the City Council hereby adopts the Recitals of this
18 Ordinance as its formal legislative findings.

19 Section 2. That Chapter 11.05 of the Tacoma Municipal Code, the Model
20 Traffic Ordinance, is hereby amended by the addition of a new Section 11.05.133,
21 to be known and designated as “Unlawful exhibition of speed attendance
22 prohibited,” to read as set forth in the attached Exhibit “A.”
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24 Section 3. That the City Clerk, in consultation with the City Attorney, is
25 authorized to make necessary corrections to this ordinance, including, but not
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limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney



EXHIBIT "A"

CHAPTER 11.05 MODEL TRAFFIC ORDINANCE

Sections:

- 11.05.010 Model Traffic Ordinance adopted.
11.05.020 Sections not adopted.
11.05.030 Statutes not adopted.
11.05.035 *Repealed.*
11.05.040 Amendment of WAC 308-330-555.
11.05.050 Additional statutes adopted.
11.05.060 Scope and construction of terms.
11.05.070 Curb defined.
11.05.080 Driveway defined.
11.05.090 Driveway return defined.
11.05.100 Fire line defined.
11.05.110 Fire zone defined.
11.05.120 Leaving minors unattended.
11.05.130 Driving while eating or drinking.
11.05.131 Automotive Sound Systems – Excessive Noise Prohibition.
11.05.132 Unlawful exhibition of speed prohibited.

11.05.133 Unlawful exhibition of speed attendance prohibited.

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11.05.133 Unlawful exhibition of speed attendance prohibited.

A. Any person (1) who has actual or constructive knowledge that he or she is in attendance of an unlawful exhibition of speed; and (2) who has actual or constructive knowledge that an unlawful exhibition of speed is occurring, has occurred, or is about to occur; and (3) was there with the intent to observe or support or encourage the unlawful exhibition of speed, is guilty of a misdemeanor, which is punishable by up to 90 days in jail, up to a \$1,000 fine, or by both such imprisonment and fine.

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 person is associating with persons participating in an unlawful exhibition of speed;

2. The person, by admission, is in attendance of an unlawful exhibition of speed with the intent to observe or support or encourage the unlawful exhibition of speed;

3. Statements of other persons who are shown to be in attendance of an unlawful exhibition of speed which provide evidence that the person intends to observe or support or encourage an unlawful exhibition of speed;

4. 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 exhibition of speed or which are engaging in, about to engage in, or which have engaged in an unlawful exhibition of speed;

5. 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 exhibition of speed; or

6. The person has no reasonable alternative purpose for being in the area in which the unlawful exhibition of speed is occurring, is about to occur, or which occurred and is motivating, encouraging, or inspiring said exhibition(s).

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