ORDINANCE NO. 2766
CITY OF SUMNER, WASHINGTON


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.

William L. Pugh, Mayor

**ATTEST:**

City Clerk Michelle Converse

**APPROVED AS TO FORM:**

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
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 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 blacktop. 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)
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.
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 eventsracing 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

**Envelope Id:** E2C459F490C8449996C601096444211E  
**Status:** Completed  
**Subject:** Please DocuSign: Ordinance No. 2770 - Fence Regulations Update.docx, Ordinance No. 2765 - Sumne...  
**Source Envelope:**  
**Document Pages:** 24  
**Signatures:** 17  
**Certificate Pages:** 5  
**Initials:** 1  
**Envelope Originator:** Michelle Converse  
**AutoNav:** Enabled  
**Envelope Stamping:** Enabled  
**Time Zone:** (UTC-08:00) Pacific Time (US & Canada)  
1104 Maple St  
Sumner, WA  98390  
MichelleC@sumnerwa.gov  
IP Address: 24.17.144.191

## Record Tracking

**Status:** Original  
4/6/2021 9:49:25 AM  
**Holder:** Michelle Converse  
MichelleC@sumnerwa.gov  
**Location:** DocuSign

### Signer Events

<table>
<thead>
<tr>
<th>Signature</th>
<th>Timestamp</th>
</tr>
</thead>
</table>
| Andrea Marquez  
andream@sumnerwa.gov  
Security Level: Email, Account Authentication (None) |  
**Signature Adoption:** Pre-selected Style  
Using IP Address: 50.216.105.106  
*Recorded on:* 4/6/2021 9:53:09 AM  
*Viewed on:* 4/6/2021 10:14:54 AM  
*Signed on:* 4/6/2021 10:17:34 AM |
| William L. Pugh  
mayorbill@sumnerwa.gov  
Mayor  
Security Level: Email, Account Authentication (None) |  
**Signature Adoption:** Pre-selected Style  
Using IP Address: 98.225.61.51  
*Signed using mobile*  
*Recorded on:* 4/6/2021 10:17:37 AM  
*Viewed on:* 4/6/2021 10:53:16 AM  
*Signed on:* 4/6/2021 10:54:36 AM |
| Michelle Converse  
michellec@sumnerwa.gov  
City Clerk  
City of Sumner  
Security Level: Email, Account Authentication (None) |  
**Signature Adoption:** Uploaded Signature Image  
Using IP Address: 24.17.144.191  
*Recorded on:* 4/6/2021 10:54:39 AM  
*Viewed on:* 4/6/2021 11:07:00 AM  
*Signed on:* 4/6/2021 11:08:25 AM |

### Electronic Record and Signature Disclosure:

- **Accepted:** 4/6/2021 10:14:54 AM  
  ID: 9ca5f2e8-e050-45ef-ad71-e09ac680cde7  
- **Recorded on:** 4/6/2021 10:17:37 AM  
  *Signed using mobile*  
- **Recorded on:** 4/6/2021 10:54:36 AM  
  *Signed using mobile*  
- **Recorded on:** 4/6/2021 10:54:39 AM  
  *Signed using mobile*  
- **Recorded on:** 4/6/2021 11:07:00 AM  
  *Signed using mobile*  
- **Recorded on:** 4/6/2021 11:08:25 AM  
  *Signed using mobile*  

### Electronic Record and Signature Disclosure:

- **Not Offered via DocuSign**

### In Person Signer Events

<table>
<thead>
<tr>
<th>Signature</th>
<th>Timestamp</th>
</tr>
</thead>
</table>
| Andrea Marquez  
andream@sumnerwa.gov  
Security Level: Email, Account Authentication (None) |  
*Recorded on:*  
*Viewed on:*  
*Signed on:* |
| William L. Pugh  
mayorbill@sumnerwa.gov  
Mayor  
Security Level: Email, Account Authentication (None) |  
*Recorded on:*  
*Viewed on:*  
*Signed on:* |
| Michelle Converse  
michellec@sumnerwa.gov  
City Clerk  
City of Sumner  
Security Level: Email, Account Authentication (None) |  
*Recorded on:*  
*Viewed on:*  
*Signed on:* |

### Editor Delivery Events

<table>
<thead>
<tr>
<th>Status</th>
<th>Timestamp</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Agent Delivery Events

<table>
<thead>
<tr>
<th>Status</th>
<th>Timestamp</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Intermediary Delivery Events

<table>
<thead>
<tr>
<th>Status</th>
<th>Timestamp</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Certified Delivery Events

<table>
<thead>
<tr>
<th>Status</th>
<th>Timestamp</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Carbon Copy Events</td>
<td>Status</td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Witness Events</td>
<td>Signature</td>
</tr>
<tr>
<td>Notary Events</td>
<td>Signature</td>
</tr>
<tr>
<td>Envelope Summary Events</td>
<td>Status</td>
</tr>
<tr>
<td>Envelope Sent</td>
<td>Hashed/Encrypted</td>
</tr>
<tr>
<td>Certified Delivered</td>
<td>Security Checked</td>
</tr>
<tr>
<td>Signing Complete</td>
<td>Security Checked</td>
</tr>
<tr>
<td>Completed</td>
<td>Security Checked</td>
</tr>
<tr>
<td>Payment Events</td>
<td>Status</td>
</tr>
<tr>
<td>Electronic Record and Signature Disclosure</td>
<td></td>
</tr>
</tbody>
</table>
ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Zones OBO City of Sumner (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically
Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at noelc@sumnerwa.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Zones OBO City of Sumner

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to noelc@sumnerwa.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Zones OBO City of Sumner

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:
i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to noelc@sumnerwa.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process.

**Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: [https://support.docusign.com/guides/signer-guide-signing-system-requirements](https://support.docusign.com/guides/signer-guide-signing-system-requirements).

**Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- 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.