



Legislation Text

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ORDINANCE NO. 240724

Sponsor: Mayor Quinton Lucas

Amending Chapter 70, Code of Ordinances, by repealing Sections 70-365, 70-366, and 70-368 and enacting in lieu thereof a new section of like number and subject matter related to street racing and sideshows.

WHEREAS, street racing and sideshows have caused vehicle crashes, deaths and injuries to drivers, passengers, onlookers, or innocent bystanders; and property damage in Kansas City; and

WHEREAS, street racing and sideshows cause noise disturbances to residences and businesses near the street racing from racing vehicles and crowds; and

WHEREAS, street racing and sideshows can cause vandalism and litter at racing locations, including businesses where racers commonly gather; and

WHEREAS, street racing and sideshows can cause a loss of commercial revenue if racing crowds obstruct or intimidate potential customers; and

WHEREAS, street racing and sideshows cause excess wear and tear to Kansas City public streets where continual racing occurs, including areas with painted street markings commonly are damaged by the burning rubber of vehicle tires; and

WHEREAS, street racing and sideshows have caused damage to curbs and bus stops in Kansas City, and to areas maintained by the city, including roadways, sidewalk cutaways and grassy areas; and

WHEREAS, public streets are created and maintained by Kansas City for public use and not for individuals to engage in the sport of street racing and sideshows: NOW, THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

That Chapter 70 of the Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 70-365, 70-366, and 70-368 related to street racing and enacting in lieu thereof a new section of like number and subject, to read as follows:

**Sec. 70-365. Racing on streets and highways; burnouts.**

- (a) Except as provided elsewhere in this chapter, no person shall drive or otherwise engage in, aid or abet any vehicle on a street or highway in any drag race or speed competition or exhibition of speed or acceleration, sideshow, or burnout. The term 'sideshow' shall be defined for this chapter as an unsanctioned demonstration of automotive stunts which obstructs the orderly flow of traffic. The term

‘burnout’ shall be defined for this chapter as keeping a vehicle stationary and spinning its wheels and causing the vehicle’s tires to heat up and smoke. No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or drag race or burnout upon any street or highway, in any manner obstruct a street or highway or place any barricade or obstruction upon any street or highway. However, the director may issue a permit for any such race, competition, contest, test or exhibition in accordance with the terms and conditions specifically approved for such event by ordinance by the city council.

(b) Violations of this section shall result in the following:

(1) First violation: Up to a \$250.00 fine and/or up to 30 days in jail

(2) Second violation: Up to a \$500.00 fine and/or up to 60 days in jail

(3) Third and subsequent violation: Up to a \$1,000.00 fine and/or and up to six months in jail

### **Sec. 70-366. Spectator or unlawful assembly at drag race or speed competition.**

(a) Except as provided elsewhere in this chapter, no person shall knowingly be present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, at a drag race, sideshow, or any other illegal motor vehicle speed competition.

(b) Except as provided elsewhere in this chapter, no person shall be present as a spectator, either on a public street or highway, or on private property without the consent of the owner, operator, or agent thereof, where preparations are being made for a drag race or illegal motor vehicle speed competition

(c) An individual is present at the drag race or illegal motor vehicle speed competition if that individual is within 200 feet of the location of the event, or within 200 feet of the location where preparations are being made for the event.

(d) When two or more persons assemble to witness or participate in a drag race or illegal motor vehicle speed competition such assembly is an unlawful assembly and any person who participates in such unlawful assembly is guilty of an offense.

(e) Exemption: Nothing in this section prohibits law enforcement officers or their agents from being spectators at drag races or speed contests in the course of their official duties.

(f) Violations of this section shall result in up to a \$100.00 fine.

### **Sec. 70-368. Vehicles impounded.**

(a) If the driver or passengers of a vehicle that the police have probable cause to believe is, or was, involved as a racer, participant, or spectator in street racing or sideshows on streets and highways in violation of sections 70-365 or 70-366 is identified and located, that vehicle may be towed, impounded with the city and assessed an administrative fee in the amount determined by the director of public works or their designee, consistent with state law. The administrative fee may be increased upon the occurrence of subsequent violations.

(b) A vehicle owner may request a hearing before the property maintenance appeals board to determine whether the vehicle impounded pursuant to this section shall be released to such owner with a waiver of fees. If the vehicle is impounded pursuant to this section, the board shall order its release from impoundment upon finding and concluding any of the following: that the vehicle was stolen at the time of the alleged violation of sections 70-365 or 70-366; or that the operator of the vehicle was not authorized by the owner to operate such vehicle at the time of the alleged violation of sections 70-365 or 70-366; or that the vehicle is owned by a rental car agency.

(c) For purposes of this section, an individual is considered to be a participant of street racing or sideshow if that individual is within 200 feet of the location of the event, or within 200 feet of the location where preparations are being made for the event.

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Approved as to form:

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Dustin E. Johnson  
Assistant City Attorney