

Ordinance 0012-25 – Spectating and Other Conduct at Illegal Traffic Events

An ordinance to create Chapter 94, Article IX of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 94, Article IX of the Municipal Code of the City of Racine is created as follows:

ARTICLE IX. – SPECTATING AT ILLEGAL TRAFFIC EVENTS

Sec. 94-400. – Definitions.

Exhibition driving event means the performance or engagement in burnouts, doughnuts, drifting, wheelies, or allowance of a passenger to ride either partially or fully outside of a vehicle while it is in operation.

Highway is as defined by Wisconsin Statutes section 340.01(22) and includes all premises held out to the public for use of their motor vehicles; all premises provided by employers to employees for the use of their motor vehicles; all premises provided to tenants of rental housing in buildings of 4 or more units for the use of their motor vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof.

Illegal traffic event means a racing event, street takeover, and/or exhibition driving.

Preparations means any of the following acts done for the purpose of a racing event, street takeover event, or an exhibition driving event: (1) The presence of one or more motor vehicles with motors or engines running; (2) unnecessary motor vehicle noise; and (3) the appearance of an individual positioned as a race starter, judge, or finish line official.

Racing event means any motor vehicle race, speed, or endurance contest that is prohibited upon a highway under Wisconsin Statutes section 346.94(2).

Spectator means a person who is knowingly present for the purpose of viewing, encouraging, recording, or otherwise attending a racing event, street takeover event, or exhibition driving event as it occurs or while preparations are underway.

Street takeover means the blocking or impeding of the regular flow of vehicle or pedestrian traffic on any public highway, intersection, or parking facility, or on private property that is open to the public, for the purpose of racing, exhibition driving, or creating a public hazard through reckless driving. Street takeover does not include parades, marches, demonstrations, or other assemblies that are authorized by permit or otherwise protected by law.

State Law references – Definition of highway, Wis. Stat. § 340.01(22); Applicability of sections relating to reckless and drunken driving, Wis. Stat. § 346.61; Miscellaneous prohibited or restricted acts, racing, Wis. Stat. § 346.94(2).

Sec. 94-401. – Applicability.

This article applies to any highway, roadway, intersection, alley, or parking facility, and to private property that is held out to the general public.

Sec. 94-402. – Spectating prohibited.

No person shall knowingly be present as a spectator at a racing event, street takeover, or exhibition driving event, or where preparations are being made for a racing event, street takeover, or exhibition driving event, with the intent of being present at the racing event, street takeover, or exhibition driving event. An individual shall be considered present if that individual is located within the area of the event or its preparations.

Sec. 94-403. – Other prohibited acts.

No person shall:

- (a) *Operate*. Operate a motor vehicle in any illegal traffic event.
- (b) *Participate*. Knowingly ride as a passenger in a vehicle participating in any illegal traffic event.
- (c) *Organize*. Intentionally organize, plan, promote, facilitate, coordinate, or collect money for an illegal traffic event by any means, including, but not limited to, social media, messaging applications, or other communications.
- (d) *Obstruct*. Purposefully slow, stop, or impede vehicle or pedestrian traffic to facilitate any illegal traffic event.
- (e) *Prepare*. Engage in preparations for any illegal traffic event.
- (f) *Record*. Operate a vehicle for the purpose of filming or recording participants in any illegal traffic event.
- (g) *Enable*. Provide fuel or equipment or otherwise enable the event to occur.
- (h) *Officiate*. Act as a starter, spotter, judge, flagger, or otherwise officiate any illegal traffic event.
- (i) *Aid or abet*. No person shall aid or abet any conduct under subsections (a) through (e).

Sec. 94-404. Exemptions.

This article does not apply to:

- (a) Emergency responders performing official duties.
- (b) Residents or business patrons traveling to or from a residence or business within the area.
- (c) Members of the news media who are engaged in newsgathering and who are not otherwise participating, coordinating, or obstructing traffic.
- (d) Persons present at a lawful parade, protest, or assembly authorized by permit or otherwise protected by law.

Sec. 94-405. – Penalties.

- (a) *Bond amount.* Any person charged with a violation of this article may pay a deposit of \$400 plus costs in lieu of a court appearance.
- (b) *Forfeiture.* Any person found in violation of this article shall forfeit not more than \$1,000.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.