

**AN ORDINANCE AMENDING CHAPTER 10.68 OF TITLE 10, VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI BY ADOPTING NEW SECTIONS 10.68.100, 10.68.105, AND 10.68.110 RELATING TO STREET RACING, DRAG RACING, AND VEHICLE SIDESHOWS.**

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**WHEREAS**, the City of North Kansas City, Missouri (the “City”) is a body corporate, a third class city and political subdivision of the State of Missouri, duly created, organized and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

**WHEREAS**, pursuant to the provisions of § 77.260 of the Missouri Revised Statutes the Mayor and City Council “shall have the care, management and control of the city and its finances, and shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the city, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same”; and

**WHEREAS**, the regulation of the operation of motor vehicles on the City’s streets and highways is a valid exercise of the state’s delegated police power<sup>1</sup>; and

**WHEREAS**, the City manages use of the right-of-way, including managing space used for on-street parking, to provide for the public health, safety, and convenience; and

**WHEREAS**, street racing has caused vehicle crashes, deaths and injuries to drivers, passengers, onlookers, or innocent bystanders; and property damage in the City; and

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

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

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

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<sup>1</sup> See, e.g., *Wilson v. City of Waynesville*, 615 S.W.2d 640, 643 (Mo. Ct. App. 1981) and *State v. City of Mexico*, 355 Mo. 612, 197 S.W.2d 301, 303 (1946). “Municipalities have been expressly given the power to make rules of the road or traffic regulations to meet their needs. See § 304.120.2, MO. REV. STAT. Public safety is involved. It is established that [the] City’s reasonable regulation of traffic, including the regulation of the parking of vehicles upon roads used for public travel, is a valid exercise of the police power.” *City of St. Louis v. Cook*, 359 Mo. 270, 221 S.W.2d 468, 469(1) (1949).

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

**WHEREAS**, street racing may cause damage to curbs and bus stops in the City, and to areas maintained by the City, including sidewalk cutaways and grassy areas; and

**WHEREAS**, public streets are created and maintained by the City for public use and not for individuals to engage in street racing:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH KANSAS CITY, MISSOURI, AS FOLLOWS:**

**Section 1.** Chapter 10.68, “Miscellaneous Traffic Regulations,” of Title 10, “Vehicles and Traffic,” of the Code of the City of North Kansas City, Missouri (the “**City Code**”) is hereby amended by enacting and adding two new sections, namely, Section 10.68.100 entitled “**Racing on streets and highways; burnouts,**” and Section 10.68.105 entitled “**Spectator or unlawful assembly at drag race or speed competition,**” which shall read as follows:

**10.68.100 Racing on streets and highways; burnout**

A. Except as provided elsewhere in this Title 10, 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 or burnout. The term “burnout” shall be defined for this section 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. The Community Development Director, however, 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 be in accordance with the penalties authorized and provided for in Section 1.16.010 of this code of ordinances.

**10.68.105 Spectator or unlawful assembly at drag race or speed competition.**

A. Except as provided elsewhere in this Title 10, 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 or illegal motor vehicle speed competition.

B. Except as provided elsewhere in this Title 10, 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 be in accordance with the penalties authorized and provided for in Section 1.16.010 of this code of ordinances.

**Section 2.** Chapter 10.68, “Miscellaneous Traffic Regulations,” of Title 10, “Vehicles and Traffic,” of the Code of the City of North Kansas City, Missouri (the “**City Code**”) is hereby amended by enacting and adding one new section, namely, Section 10.68.110 entitled “**Vehicles impounded as evidence; hearing; search warrant,**” relating to street and drag racing, to read as follows:

**10.68.110 Vehicles impounded as evidence; hearing; search warrant.**

A. If a vehicle that the police have probable cause to believe is, or was, involved in racing on streets and highways in violation of sections 10.68.100 or 10.68.105 is identified and located, that vehicle may, following execution of a search warrant issued pursuant to this section, be towed, impounded with the city and kept as evidence until a determination is made as part of an investigation

determining whether the owner or operator of the violated section 10.68.100 or section 10.68.105 of this code of ordinances. After that determination, the vehicle shall be returned to the owner. A vehicle shall not continue to be impounded pursuant to this section for a period in excess of thirty (30) days or after being ordered released to the owner by the municipal judge.

B. A vehicle owner may request a hearing before the municipal judge to determine whether the vehicle impounded pursuant to this section shall be released to such owner. If the vehicle is impounded pursuant to this section, the municipal judge 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 10.68.100 or 10.68.105; 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 10.68.100 or 10.68.105; or that the vehicle is owned by a rental car agency; or that the charges of violating sections 10.68.100 or 10.68.105 made against the owner or operator of the vehicle have been adjudicated; or that more than thirty (30) days have elapsed since the vehicle was impounded and has not been released.

C. If a written application for a search warrant under this section is filed by any police officer with the municipal court stating that such officer has probable cause to believe there exists in a building or on real property more particularly described therein, evidence of a violation of sections 10.68.100 or 10.68.105 of this code of ordinances and such officer has no probable cause to believe that the vehicle was not authorized by the owner to be operated or used in a manner that would cause the alleged violation of sections 10.68.100 or 10.68.105 and if such application is verified by oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then the judge may issue a search warrant directed to the authorized official to search the subject building or real property for the purposes requested. Such search warrant may be executed and returned only within ten (10) days after the date of its issuance. The official authorized to search must make a return promptly after concluding the search, and such return must contain an itemization of all violations of sections 10.68.100 or 10.68.105 of this code of ordinances. Refusal to allow entry upon presentation of a search warrant is unlawful and a violation of this code of ordinances. Execution of a search warrant issuance under this section may not be by forcible entry.

**Section 3.** **Providing for Repeal or Amendment of Conflicting Ordinances.** All ordinances or parts of ordinances of the City in conflict with the provisions of this ordinance, or any parts hereof, are hereby amended to conform to the provisions and requirements of this ordinance or repealed, whichever will best carryout the intent of this ordinance.

**Section 4.** **Preemption.** Nothing in this ordinance shall be interpreted or applied so as to create any power, duty or obligation in conflict with, or preempted by, any Federal or State law.

**Section 5.** **Effect on Pending Actions.** The repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be considered as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinance at the time of passage of this ordinance.

**Section 6** **Non-exclusivity.** Nothing in this ordinance shall limit or preclude the enforcement of other applicable laws.

**Section 7.** **Severability.** The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause, or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**Section 8.** **Governing Law.** This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

**Section 9.** **Effective Date.** This ordinance shall be in full force and effect immediately after passage by the City Council and approval by the Mayor.

**PASSED** this 20<sup>th</sup> day of August, 2024.

  
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Bryant DeLong, Mayor


ATTEST:


  
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Crystal Doss, City Clerk

**APPROVED** this 20<sup>th</sup> day of August, 2024.

  
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Bryant DeLong, Mayor

APPROVED AS TO FORM:

  
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Wes Rogers, *City Attorney*

  
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Thomas E. Barzee, Jr., *City Counselor*