

ORDINANCE NO. 2005-031

ADOPTED BY THE SACRAMENTO CITY COUNCIL

APR 14 2005

ON DATE OF _____

**AN ORDINANCE ADDING CHAPTER 10.34
TO TITLE 10 OF THE SACRAMENTO CITY CODE TO PROHIBIT
SPECTATORS AT STREET RACES AND RECKLESS DRIVING EXHIBITIONS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

The Sacramento City Council hereby finds and declares that:

- A. California Vehicle Code sections 23109 and 23103 prohibit street races and reckless driving. The City of Sacramento ("City") has been the site of continuing and escalating street races and reckless driving exhibitions over the past several years. Large groups of spectators typically watch these activities. The spectators block City streets and sidewalks to traffic, form racetrack areas, and place bets on races. They engage in fights and disturbances, litter, drink alcoholic beverages and urinate in public. They trespass and vandalize private property. The spectators are often juveniles who violate curfew laws.
- B. In the summer of 2002, City police officers responded to a report of a fatal motorcycle accident in the area of Younger Creek and Elder Creek Drive. The motorcyclist had been engaged in a street race and lost control of his motorcycle after reaching a speed of over one-hundred miles per hour. He struck a large concrete sign and died at the scene. An estimated seventy-five to one-hundred spectators watched the race and the fatal accident.
- C. In the summer of 2003, City police officers responded to a citizen report of a street race in the area of Commerce Circle. The responding officers found approximately one-hundred spectators at the scene. To elude the officers, racers cut a hole in the fence at Highway 160 and entered the highway through the hole.
- D. In the summer of 2004, City police officers responded to a citizen report of gun shots fired in the area of Younger Creek. The responding officers found street race spectators at the scene. Several spectators were gang members who had been involved in an altercation with other spectators. The gang members left the area after the altercation and returned a short time later, shooting into the crowd. They killed one spectator and injured several others.

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- E. Although Vehicle Code sections 23109 and 23103 prohibit street races and reckless driving, they do not prohibit spectators from watching these activities. As described above, spectators commit crimes, infringe upon private property rights, and threaten public health and safety. This Chapter is added to reduce crime and the concomitant threats to public health and safety and private property rights by prohibiting spectators at street races and reckless driving exhibitions. It is not added to regulate activities already regulated by the California Vehicle Code.

SECTION 2

Chapter 10.34 is hereby added to the Sacramento City Code to read as follows:

Chapter 10.34 SPECTATORS AT STREET RACES AND RECKLESS DRIVING EXHIBITIONS

10.34.010 Definitions.

For purposes of this Chapter, the following definitions shall apply:

1. "Street race" means any motor vehicle speed contest or motor vehicle exhibition of speed defined or described in California Vehicle Code section 23109.
2. "Reckless driving exhibition" means any exhibition of reckless driving described in California Vehicle Code section 23103.
3. "Spectator" means a person who is present at a street race or reckless driving exhibition, or the site of the preparations for either of these activities, for the purpose of viewing, observing, watching, or witnessing either of these activities without regard to the means by which the person arrived.
4. "Present" means a person is within 200 feet of the site of a street race or reckless driving exhibition, or within 200 feet of the site of the preparations for either of these activities.
5. "Preparations" for any street race or reckless driving exhibition include, but are not limited to, any of the following acts done for the purpose of the street race or reckless driving exhibition:
 - a. one or more motor vehicles or persons have arrived at a predetermined location;
 - b. one or more persons have gathered on, or adjacent to, a public street or highway;
 - c. one or more persons have gathered in an offstreet parking facility;
 - d. one or more persons have impeded the free public use of a public street or highway or offstreet parking facility by acts, words, or physical barriers;

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- e. one or more vehicles have lined up with engines running;
- f. one or more drivers is revving his or her engine or spinning his or her tires;
or
- g. a person is acting as a race starter.

10.34.020 Violation.

- A. It shall be unlawful for any person to be a spectator at a street race or reckless driving exhibition conducted on a public street or highway or offstreet parking facility.
- B. It shall be unlawful for any person to be a spectator at the location of preparations for a street race or reckless driving exhibition conducted on a public street or highway or offstreet parking facility.
- C. Nothing in this section prohibits law enforcement officers or their agents who are acting in the course of their official duties from being spectators at a street race or reckless driving exhibition or spectators at the location of preparations for either of these activities.

10.34.030 Relevant Circumstances to Prove a Violation.

To prove a violation of this Chapter, admissible evidence may include, but is not limited to, any of the following:

- 1. the time of day;
- 2. the nature and description of the scene;
- 3. the number of people at the scene;
- 4. the location of the person charged in relation to any person or group present at the scene;
- 5. the number and descriptions of motor vehicles at the scene;
- 6. that the motor vehicles at the scene have been modified;
- 7. that the person charged drove or was transported to the scene.

10.34.040 Penalty for Violation.

A violation of this ordinance shall constitute a misdemeanor. The penalty for a first violation is a five-hundred dollar (\$500.00) fine or imprisonment not to exceed six months, or both. The penalty for each additional violation within one year is a one-thousand dollar (\$1,000.00) fine or imprisonment not to exceed six months, or both.

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PASSED FOR PUBLICATION: 4-5-05
DATE ENACTED: 4-14-05
DATE EFFECTIVE: 5-15-05

Heather Fergo
MAYOR

ATTEST:

Stanley Concolino
CITY CLERK

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