

ORDINANCE 2024-0049

Adopted by the Sacramento City Council

November 19, 2024

Ordinance Amending Chapter 10.34 of the Sacramento City Code, Relating to Spectators at Sideshows, Motor Vehicle Exhibitions of Speed, Motor Vehicle Speed Contests, and Reckless Driving Exhibitions

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

SECTION 1. Findings and purpose.

1. Over the past several years, the city has been the site of continuing and escalating motor vehicle exhibitions of speed, motor vehicle speed contests, and reckless driving exhibitions, all commonly known as “sideshows” or “street takeovers,” when they are performed for spectators. Despite concerted efforts of local law enforcement agencies to prevent and abate this illegal activity through the enforcement of existing traffic laws, persons continue to perform and spectate at sideshows.
2. Sideshows cause significant damage to city infrastructure, including road surfaces, traffic signs, signals, bollards, curbs, medians, and disability access ramps. These events also leave debris, tire marks, and graffiti, requiring significant cleanup efforts that divert resources from other critical safety improvements.
3. City staff estimates that the post-sideshow cleanup costs for the City can be up to \$100,000 per sideshow, depending on the nature and size of the illegal event. During a recent illegal sideshow incident at the intersection of Kelton Way and Main Avenue, city costs for slurry, traffic control, restriping all markings affected, and associated administrative costs were approximately \$40,000.
4. Sideshows often occur during times when the police department is already addressing a high volume of emergency calls. Sideshows require a law enforcement response, thereby diverting police department personnel from responding to other emergencies.
5. Sideshows create an unsafe environment for the communities in which they occur because participants drive recklessly, often in the presence of numerous spectators.
6. Sideshows drastically impact the quality of life in the communities where they occur by causing damage to vehicles and private and public property; reducing air quality due to the smoke released by burning rubber tires; causing noise pollution; and creating unmanageable crowds that leave behind garbage.

7. Promoters of sideshows are motivated by the presence of spectators and create an environment in which these, as well as other, illegal activities can flourish. These illegal events also attract hundreds of people from outside the city who have no stake in the health and safety of the neighborhoods in which they take place.
8. State law makes it illegal to engage in sideshows on public roads, streets, and highways. These offenses are punished under California Vehicle Code sections 23103 (reckless driving) and 23109 (motor vehicle speed contests and motor vehicle exhibitions of speed). A criminal conviction is generally a misdemeanor that may result in jail time, probation, or fines.
9. The purpose of this ordinance is to complement state law by further clarifying the existing prohibition of spectating, prohibiting the promotion of spectating, and increasing the penalties for violations.

SECTION 2.

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

CHAPTER 10.34 SPECTATORS AT SIDESHOWS, MOTOR VEHICLE EXHIBITIONS OF SPEED, MOTOR VEHICLE SPEED CONTESTS, AND RECKLESS DRIVING EXHIBITIONS

10.34.010 Definitions.

For purposes of this chapter, the following definitions apply:

“Motor vehicle exhibition of speed” has the same meaning as in subdivision (c) of California Vehicle Code section 23109.

“Motor vehicle speed contest” has the same meaning as in subdivision (a) of California Vehicle Code section 23109.

“Off-street parking facility” has the same meaning as in subdivision (c) of California Vehicle Code section 12500, and includes those facilities described in section 10.42.010.B.

“Preparations” for any sideshow, motor vehicle exhibition of speed, motor vehicle speed contest, or reckless driving exhibition, including any of the following acts done for the purpose of facilitating spectating of these acts:

1. One or more motor vehicles or persons have arrived at a predetermined location;

2. One or more persons have gathered on, or adjacent to, a public street or highway;
3. One or more persons have gathered in an off-street parking facility;
4. One or more persons have impeded the free public use of a public street or highway or off-street parking facility by acts, words, or physical barriers;
5. One or more vehicles have lined up with engines running;
6. One or more drivers are revving their vehicle's engine or spinning its tires;
or
7. A person is acting as a race starter.

"Present" means being within 200 feet of the prohibited activity.

"Promote" means to aid, abet, organize, advertise, publish notice, or otherwise encourage.

"Reckless driving" has the same meaning as in California Vehicle Code section 23103.

"Scene" means the location of the sideshow, motor vehicle exhibition of speed, motor vehicle speed contest, or reckless driving exhibition, or the location of the preparations for any of these activities.

"Sideshow" has the same meaning as in subdivision (i) of California Vehicle Code section 23109.

"Spectator" means a person who is present at a prohibited event or activity, for the purpose of viewing, observing, watching, or witnessing the event or activity without regard to the means by which the person arrived.

10.34.020 Violation.

- A. No person shall be a spectator at a sideshow, motor vehicle exhibition of speed, motor vehicle speed contest, or reckless driving exhibition conducted on a public street or highway or off-street parking facility.
- B. No person shall be a spectator of preparations for a sideshow, motor vehicle exhibition of speed, motor vehicle speed contest, or reckless driving exhibition conducted on a public street or highway or off-street parking facility.

- C. No person shall promote conduct that violates subsections A or B above.
- D. This section does not apply to law enforcement officers or their agents who are acting in the course of their official duties.

10.34.030 Relevant circumstances to prove violation.

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

- A. The time of day;
- B. The nature and description of the scene;
- C. The number of people at the scene;
- D. The location of the person charged in relation to any person or group present at the scene;
- E. The number and descriptions of motor vehicles at the scene;
- F. That the motor vehicles at the scene have been modified;
- G. That the person charged drove or was transported to the scene;
- H. That the person charged has previously participated in or was present at a sideshow, motor vehicle exhibition of speed, motor vehicle speed contest, or reckless driving exhibition;
- I. That the person charged has previously aided and abetted a sideshow, motor vehicle exhibition of speed, motor vehicle speed contest, or reckless driving exhibition;
- J. That the person charged has previously promoted spectating at a sideshow, motor vehicle exhibition of speed, motor vehicle speed contest, or reckless driving exhibition;
- K. That the person charged previously was present at a location where preparations were being made for a sideshow, motor vehicle exhibition of speed, motor vehicle speed contest, or reckless driving exhibition;
- L. That the person charged previously violated this chapter;
- M. Any video or audio from technology such as drone or security cameras; and

- N. Any data from technology such as automatic license plate readers or speed detecting radar technology.

10.34.040 Penalty for violation.

- A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to chapter 1.28.
- B. Violations of this chapter are hereby declared to be a public nuisance.
- C. Any person who violates a provision of this chapter is liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues.
- D. Any person who violates a provision of this chapter is guilty of a misdemeanor, punishable by a fine of \$1,000 or imprisonment not to exceed six months, or both.
- E. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.

Adopted by the City of Sacramento City Council on November 19, 2024, by the following vote:

Ayes: Members Guerra, Jennings, Kaplan, Maple, Talamantes, Thao, Vang, and Mayor Steinberg

Noes: None

Abstain: Member Valenzuela

Absent: None

Attest:  11/26/2024

Wendy Klock-Johnson, Assistant City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

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