

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 10, AND ADDING CHAPTER 10-26 TO THE SANTA ROSA MUNICIPAL CODE REGARDING RECKLESS DRIVING EXHIBITIONS, HEREINAFTER REFERRED TO AS "SIDESHOWS"

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Chapter 10-26 is added to the Santa Rosa City Code to read as follows:

"Chapter 10-26 SIDESHOWS, STREET RACES, AND RECKLESS DRIVING EXHIBITIONS

10-26.010 Name of Ordinance.

A. This chapter shall be known as the "Sideshow Ordinance."

10-26.020 Definitions.

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

- A. "Offstreet Parking Facility" is defined in subdivision (c) of California Vehicle Code Section 12500, as may be amended.
- B. "Participant" means any individual driving a vehicle which is found to have engage in a Reckless Driving Exhibition, as referred to in California Vehicle Code Section 23103.
- C. "Passenger" means any individual riding in a vehicle which is found to have engaged in a Reckless Driving Exhibition or Sideshow, as referred to in California Vehicle Code Section 23103.
- D. "Preparations" for any Sideshow, Street Race or Reckless Driving Exhibition include, but are not limited to, any of the following acts done for the purpose of a Side Show, Street Race or Reckless Driving Exhibition:
 - 1. One (1) or more motor vehicles and persons have arrived at a predetermined location on a public street or highway or in an Offstreet Parking Facility for the purpose of participating in or observing a Sideshow, Street Race or Reckless Driving Exhibition;
 - 2. One (1) or more persons have gathered on, or adjacent to, a public street or highway for the purpose of participating in or observing a Sideshow, Street Race or Reckless Driving Exhibition;
 - 3. One (1) or more persons have gathered in an Offstreet Parking Facility for the purpose of participating in or observing a Sideshow, Street Race or Reckless Driving Exhibition;
 - 4. One (1) or more persons have impeded the free public use of a public street, highway, or Offstreet Parking Facility by acts, words or physical barriers for the purpose of participating in or observing a Sideshow, Street Race or Reckless Driving Exhibition;

5. One (1) or more motor vehicles have lined up on a public street, highway, or Offstreet Parking Facility with motors running for the purpose of participating in or observing a Sideshow, Street Race or Reckless Driving Exhibition;

6. One (1) or more drivers are revving a motor vehicle's engine or causing the motor vehicle's tires to spin; or

7. A person is standing or sitting in a location to act as a race starter.

E. "Present" means a Spectator is within two hundred (200) feet of the location of the Sideshow, Street Race or Reckless Driving Exhibition, or within two hundred (200) feet of the site of the Preparations for either of these activities.

F. "Reckless Driving Exhibition" shall mean any exhibition of reckless driving referred to in California Vehicle Code Section 23103, as may be amended.

G. "Scene" shall mean the location of the Sideshow, Street Race or Reckless Driving Expedition or the location of the Preparations for the Sideshow, Street Race or Reckless Driving Expedition.

H. "Sideshow" shall mean any exhibition of reckless driving referred to in California Vehicle Code Section 23103, as may be amended.

I. "Spectator" shall mean any person who is present at a Sideshow, Street Race or Reckless Driving Exhibition, or the site of the Preparations for any of these activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. A "Spectator" includes any person at the location of the event without regard to the means by which the person arrived.

J. "Street Race" means any motor vehicle speed contest or motor vehicle exhibition of speed referred to in subdivisions (a) and (c) of California Vehicle Code Section 23109, as may be amended.

10-26.030 Sideshows, Street Races, and Reckless Driving Exhibitions prohibited on public streets and Offstreet Parking Facilities.

A. It shall be unlawful for any person to:

1. Knowingly participate as a driver at a Sideshow, Street Race or Reckless Driving Exhibition conducted on a public street or highway; or
2. Be knowingly present as a Passenger at a Sideshow, Street Race or Reckless Driving Exhibition conducted on a public street or highway or in an Offstreet Parking Facility.

10-26.040 Spectators prohibited at Sideshows, Street Races, and Reckless Exhibitions of Speed.

A. It shall be unlawful for any person to:

1. Be knowingly present as a Spectator at a Sideshow, Street Race or Reckless Driving Exhibition conducted on a public street or highway or in an Offstreet Parking Facility.

2. Be knowingly present as a Spectator where Preparations are being made for a Sideshow, Street Race or Reckless Driving Exhibition conducted on a public street or highway or in an Offstreet Parking Facility.

B. Nothing in this Chapter prohibits peace officers, medical professionals, firefighters or their agents who are acting in the course of their official duties from being Spectators at a Sideshow, Street Race or Reckless Driving Exhibition or Spectators at the location of Preparations for any of these activities.

10-26.050 Relevant circumstances to prove a violation.

- A. To prove a violation of this Chapter, admissible evidence may include, but is not limited to, any of the following:
 1. That the person charged has previously participated in or been a Spectator at a Sideshow, Street Race or Reckless Driving Exhibition;
 2. That the person charged has previously aided and abetted a Sideshow, Street Race, or Reckless Driving Exhibition;
 3. That the person charged has previously attended a Sideshow, Street Race, or Reckless Driving Exhibition; or
 4. That the person charged was previously present at a location where Preparations were being made for a Sideshow, Street Race or Reckless Driving Exhibition, or where a Sideshow, Street Race or Reckless Driving Exhibition was in progress.
 5. Evidence of these prior acts may be admissible, to the fullest extent permissible by law, to show the opportunity, intent, plan, knowledge, identity or the absence of mistake or accident, or propensity of the defendant to be present at or attend a Sideshow, Street Race, or Reckless Driving Exhibition if the prior act or acts occurred within three (3) years of the presently charged offense. These prior acts may always be admissible to show knowledge on the part of the defendant that a Sideshow, Street Race or Reckless Driving Exhibition was taking place.
- B. In addition to the circumstances set out in subsection A above, to prove a violation of this Chapter, admissible evidence may also include, but is not limited to, any of the following:
 1. The time of day;
 2. The nature and description of the Scene, including the number and configuration of traffic lanes;
 3. The number of people at the Scene;
 4. The location of the person charged in relation to any person or group of persons 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 or altered to increase power, handling, or visual appeal;
 7. That the person charged drove or was transported to the Scene.

10-26.060 Promoting, Organizing, or Facilitating Spectators to gather at Sideshows, Street Races and Reckless Driving Exhibitions prohibited.

- A. It shall be unlawful for any person to knowingly encourage, promote, instigate, assist, facilitate, aide, or abet the gathering of persons as Spectators at a Sideshow, Street Race or Reckless Driving Exhibition conducted on a public street or highway; or conducted on a public street or highway, or Offstreet Parking facility.
- B. It shall be unlawful for any person to knowingly encourage, promote, instigate, assist, facilitate, aide, or abet the gathering of persons as Spectators where Preparations are being made for a Sideshow, Street Race or Reckless Driving Exhibition conducted on a public street or highway, or in an Offstreet Parking Facility.

10-26.070 Violations.

- A. Any person who violates this chapter is guilty of a misdemeanor subject to a maximum of six (6) months in jail and a fine of \$1,000.00, unless at the discretion of the city attorney or district attorney, the violation is reduced to an infraction.
- B. Any person who violates this chapter or who aids in the violation of this chapter is liable for the actual damages caused by said violation, in such amount as may be determined by a jury or a court sitting without a jury.

Section 2. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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Section 4. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on _____, 2022.

IN COUNCIL DULY PASSED AND ADOPTED this _____ day of _____, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney