

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2024-003

**ORDINANCE ADDING CHAPTER 4-44 “SIDESHOWS, STREET RACES AND RECKLESS DRIVING EXHIBITIONS” TO TITLE 4 “PUBLIC WELFARE” OF THE SAN LEANDRO MUNICIPAL CODE TO PROHIBIT SPECTATORS AT SIDESHOWS, STREET RACES, AND RECKLESS DRIVING EXHIBITIONS**

**WHEREAS**, sideshows, street races, and reckless driving exhibitions cause significant damage to City of San Leandro infrastructure including harm or destruction to intersection markings, street signs, poles, cracking or displacement of asphalt, and damage to traffic safety equipment; and

**WHEREAS**, such infrastructure is critical for the preservation of public and traffic safety and requires replacement after a sideshow event, which diverts resources from other critical traffic and public safety priorities and improvements; and

**WHEREAS**, sideshows, street races, and reckless driving exhibitions impact public safety, especially when the San Leandro Police Department is already addressing high emergency call volumes. For example, sideshows require a law enforcement response that diverts law enforcement personnel from responding to other emergencies; and

**WHEREAS**, sideshows, street races, and reckless driving exhibitions create an unsafe environment for the communities in which they occur because participants and spectators drive recklessly before, during, and after the sideshow event. In addition, side shows, street races and reckless driving exhibitions have often been associated with the discharge of firearms, resulting in higher violent crime rates, dangerous falling objects, and vandalism; and

**WHEREAS**, sideshows, street races, and reckless driving exhibitions drastically impact the quality of life in the communities where they occur by causing damage to vehicles, private and public property, reduced air quality due to the smoke released by burning rubber tires, increased exhaust fumes, noise pollution, and unmanageable crowds that leave behind garbage; and

**WHEREAS**, promoters of sideshows, street races, and reckless driving exhibitions intend to attract hundreds of people from outside City of San Leandro that have no stake in the community and typically plan events in neighborhoods that already suffer from poverty, poorer health, higher crime rates, historic disinvestment, and the resulting poor equity indicators; and

**WHEREAS**, in San Leandro, vehicles at sideshows, street races, and reckless driving exhibitions have caused great bodily injury to spectators; and

**WHEREAS**, the Council finds that it is within the City's police powers to implement and enforce the provisions of this ordinance.

**NOW, THEREFORE**, the City of San Leandro City Council does **ORDAIN** as follows:

**SECTION 1. RECITALS.** The Recitals above are true and correct and when applicable, incorporated herein by reference.

**SECTION 2. ORDINANCE.** That a new Chapter 4-44 entitled “Sideshows, Street Races and Reckless Driving Exhibitions” is added to Title 4 “Public Welfare” of the City of San Leandro Municipal Code to read as follows:

**CHAPTER 4-44 Sideshows, Street Races and Reckless Driving Exhibitions**

## **Article 1 Definitions**

### **4-44-100 Preparations**

“Preparations” for any Sideshow Event include, but are not limited to, any of the following acts done for the purpose of facilitating, aiding, abetting, encouraging, assisting, or instigating a Sideshow Event:

- a) One (1) or more motor vehicles and persons have arrived at a predetermined location;
- b) One (1) or more persons have gathered on, or adjacent to, a public street or highway or at an off-street parking facility;
- c) One (1) or more persons have impeded the free public use of a street or highway, or off-street parking facility by acts, words, or physical barriers;
- d) One (1) or more motor vehicles have lined up on a public street, highway, or off-street parking facility with motors running;
- e) One (1) or more drivers is revving a motor vehicle's engine or causing the motor vehicle's tires to spin; or
- f) A person is standing or sitting in a location in the vicinity of a Sideshow event to act as a race starter.

### **4-44-110 Present**

“Present” means a person is “present” at a Sideshow Event if that person is within two hundred (200) feet of the location of the Sideshow Event, or within two hundred (200) feet of the site of the Preparations for any Sideshow Event.

### **4-44-120 Reckless Driving Exhibition**

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

### **4-44-130 Scene**

“Scene” refers to the location of the Sideshow Event or the location of Preparations for the Sideshow Event.

### **4-44-140 Sideshow**

“Sideshow” means an occasion where one or more persons, for the purpose of performing a Street Race or Reckless Driving Exhibition for one or more Spectator(s) either blocks or impedes traffic on a street or highway or impedes access to an off-street parking facility.

### **4-44-150 Sideshow Event**

“Sideshow Event” shall mean a Sideshow, Street Race, or Reckless Driving Exhibition as defined by this Chapter.

### **4-44-160 Spectator**

“Spectator” shall mean any person who is present at a Sideshow Event, or the site of the Preparations for a Sideshow Event, for the purpose of viewing, observing, watching, or witnessing the Sideshow Event as it progresses. A “Spectator” includes any person at the location of the Sideshow Event that may have participated in preparations and/or promoting the Sideshow Event.

#### **4-44-170 Street Race**

“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.

#### **Article 2 Prohibition**

##### **4-44-200 Spectators Prohibited at Sideshow Events**

- a) It is unlawful for any person to knowingly be a Spectator at a Side Show Event conducted on a public street or highway or off-street parking facility.
- b) It is unlawful for any person to knowingly be a Spectator at the location of Preparations for a Sideshow Event on a public street or highway or off-street parking facility.
- c) Nothing in this section prohibits peace officers or their agents who are acting in the course of their official duties from being Spectators at a Sideshow Event or at the location of Preparations for any Sideshow Event.

##### **4-44-210 Relevant Circumstances to Prove a Violation**

- a) Notwithstanding any other provision of law, to prove a violation of this Chapter admissible evidence may include, but is not required to include, or 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, group of persons or vehicle(s) present at the Scene.
  - (5) The approximate number and/or descriptions of motor vehicles at the Scene.
  - (6) Whether the motor vehicles at the Scene have been modified or altered to increase power, acceleration, speed, or handling.
  - (7) The person charged drove or was transported to the Scene.
- b) Evidence of prior acts may be admissible to show the propensity of the person to be present at or attend a Sideshow Event if the prior act or acts occurred within three years of the presently charged offense. These prior acts may always be admissible to show knowledge on the part of the person that a Sideshow Event was taking place at the time of the presently charged offense. Prior acts are

not limited to those that occurred within the City of San Leandro. These prior acts may include, but are not limited to:

- (1) The person charged has previously participated in or organized, promoted, instigated, assisted, or facilitated a Sideshow Event.
- (2) The person charged has previously attended or been a Spectator at a Sideshow Event.
- (3) The person charged was previously present at a location where Preparations were being made for any Sideshow Event or where a Sideshow Event was in progress.

### **Article 3 Penalties and violations**

#### **4-44-300 Penalties and Violations**

A person who violates this Ordinance shall be guilty of a misdemeanor punishable by imprisonment not exceeding six months or by a fine not exceeding one thousand dollars (\$1,000.00) or by both.

**SECITON 3. ENVIRONMENTAL.** The passage of this ordinance is not a project according to the definition in the California Environmental Quality Act and, therefore, is not subject to the provisions requiring environmental review.

**SECTION 4. ORDINANCES REPEALED.** With the exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

**SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each of every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6. EFFECTIVE DATE AND DURATION.** This ordinance shall take effect thirty (30) days after its final adoption.

**SECTION 7. PUBLICATION.** The City Clerk is directed to cause this ordinance to be published in a manner required by law.

Introduced at a first reading by Councilmember Azevedo on the 2<sup>nd</sup> day of April 2024, and passed to print by the following vote:

<b>AYES:</b>	Councilmembers Aguilar, Azevedo, Bowen, Simon, Viveros-Walton, and Mayor González	(7)
<b>NOES:</b>	None	(0)
<b>ABSENT:</b>	None	(0)

Passed and adopted the 15<sup>th</sup> day of April 2024 after publication on April 5, 2024 by the following called vote:

**AYES:** ()

**NOES:** ()

**ABSENT:** ()

ATTEST:

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Kelly B. Clancy, CMC  
City Clerk

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