



Legislation Text

File #: 24-109, **Version:** 1

First Reading of an Ordinance to Add 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

COUNCIL PRIORITY

- Public Safety

SUMMARY AND RECOMMENDATIONS

Approval of this ordinance will make it unlawful to knowingly be a spectator at a sideshow event, or at the location in preparations for a sideshow event. Violation of this ordinance is a misdemeanor punishable by a fine not to exceed \$1,000 or imprisonment in the county jail not to exceed six months, or by both. Staff recommends 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.

BACKGROUND

Sideshows and related reckless driving behaviors are a significant quality of life concern for San Leandro residents. These events are problematic not only in San Leandro, but in the region. They create unsafe environments, with some events causing or resulting in violent crimes occurring.

Reported sideshow events in the City of San Leandro are as follows: 2021 there were 76, 2022 there were 55, and in 2023 (through October) there were 43.

In 2023, the San Leandro Police Department, in cooperation with the Alameda County Sheriff's Office, California Highway Patrol and Hayward Police Department formed a Regional Sideshow Enforcement Team (ReSET). ReSET's mission focuses on the reduction of dangerous and unlawful gatherings known as "sideshows," reckless driving, and associated violent crime through targeted bi-weekly pro-active enforcement within Hayward, San Leandro, and unincorporated Alameda County.

This collaborative effort resulted in the following:

- Arrests:
 - Misdemeanor - 134
 - Felony - 66
- Traffic Stops
 - 1,429

- Guns Seized
 - 27
- Known Sideshows Prevented
 - 4

Analysis

Existing California law makes it a crime to engage in a motor vehicle speed contest on a highway, drive recklessly on a highway, drive recklessly in an off-street parking facility, or exhibit speed on a highway. The California Vehicle Code allows a peace officer to arrest a person and seize their motor vehicle if the peace officer determines that the person engaged in these activities. Police can impound the vehicle for up to 30 days.

The proposed ordinance adds a new enforcement tool to the existing code by prohibiting the promotion, preparation for, and participation in sideshows. The ordinance would allow the police department to take action against the small number of individuals who are causing the largest and most dangerous sideshow events.

Committee Review and Actions

On October 26, 2023, the Department presented the draft ordinance to the City Council Rules Committee. Feedback received from the Committee included requesting advice from the City Attorney's Office on the constitutionality of an ordinance and explore expanding a required notice to disperse prior to enforcement.

Legal Analysis

The City Attorney advised upon the draft ordinance to ensure that its language met constitutional muster, including analysis for vagueness. The ordinance is substantially similar to ordinances from other jurisdictions, especially in the definitions of promotion, preparation for and participation in sideshows. The City retains broad enforcement discretion in the exercise of its police power under the proposed ordinance.

Financial Impacts

There is no new fiscal impact as a result of this ordinance.

ATTACHMENTS

- A - Draft Sideshow Ordinance
- B - Sideshow Presentation

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