



Agenda Report

20-486

Agenda Date: 4/28/2020

REPORT TO COUNCIL

SUBJECT

Action on the Adoption of Ordinance No. 2017 Adding a New Chapter 10.06 to Title 10 of the City Code ("Vehicles and Traffic") Related to Illegal Street Racing and Sideshows [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

BACKGROUND

At the April 7, 2020 Council meeting, Ordinance No. 2017 was introduced and passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, a summary of proposed Ordinance No. 2017 was published on April 15, 2020, and copies were posted in three public places.

DISCUSSION

The proposed Ordinance adds Chapter 10.06 ("Spectators Prohibited at Illegal Speed Contests and Reckless Driving Exhibitions") to Title 10 the City Code ("Vehicles and Traffic") related to illegal street racing and sideshows. It is intended to discourage the act of organizing and participating in illegal speed contests or reckless driving exhibitions, as a participant or spectator, in an effort to protect the health, safety and welfare of the City.

State law provides the Police Department with a method to criminally enforce pertinent provisions of the California Vehicle Code as against an individual caught operating a vehicle in a street race or sideshow. However, it is often very difficult for the Police Department to apprehend the specific individuals who were racing, as they will quickly flee the area when the Police approach. Therefore, an enforcement method that many other cities in California have used is to broaden the scope of enforcement efforts to include those planning the race or sideshow event and those who attend the race/sideshow to spectate. Those collateral activities constitute aiding and abetting the criminal racing and reckless driving.

It is expected that the ability to include spectators in enforcement efforts will help curb the criminal activity. The proposed ordinance is aimed at a very specific, limited population and will give proper notice to the public as to what activities are lawful and what activities are unlawful. Specifically, the Ordinance prohibits:

- (1) Being knowingly present as a Spectator at a Speed Contest conducted on a public street or highway; or
- (2) Being knowingly present as a Spectator at a Reckless Driving Exhibition conducted on a public street or highway or in an Off-street Parking Facility; or
- (3) Being knowingly present as a Spectator where Preparations are being made for a Speed Contest conducted on a public street or highway; or
- (4) Being knowingly present as a Spectator where Preparations are being made for a

Reckless Driving Exhibition conducted on a public street or highway or in an Off-street Parking Facility.

The Ordinance also allows the responding officers to evaluate the totality of circumstances when determining whether an individual should be cited for being a spectator at an illegal race or sideshow. Specifically, the officers can take into account the following factors:

- (1) The nature of, and circumstances surrounding, the incident and the nature of an individual's participation in, or spectating at, an incident including such factors as the time of day, description of the scene, number of people and/or vehicles present, location of the individual charged relative to the involved vehicles, and actions taken by the individual charged (including photography or videography, reporting to authorities, etc.).
- (2) That the person charged has previously participated in, or been a Spectator at, a Speed Contest or Reckless Driving Exhibition; or
- (3) That the person charged has previously aided and abetted a Speed Contest or Reckless Driving Exhibition; or
- (4) That the person charged was previously present at a location where Preparations were being made for a Speed Contest or Reckless Driving Exhibition

The City has the prosecutorial discretion to enforce violations of the provisions of this Chapter as a criminal, civil, and/or administrative action. If the violation is prosecuted as an administrative citation, then the penalty for the first violation shall be \$500 and the penalty for the second and each subsequent violation within a 3-year period shall be \$1,000.

ENVIRONMENTAL REVIEW

The adoption of an ordinance of general policy or procedure/purchase of supplies does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational policy making or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal impact to the City other than administrative staff time and expense.

COORDINATION

This report was coordinated with City of Santa Clara's Police Department, Traffic Engineering Division, City Attorney's Office, City Manager's Office and Community Development.

PUBLIC CONTACT

A summary of proposed Ordinance No. 2017 was published to the Santa Clara Weekly on April 15, 2020, and copies were posted in three public places and made available for public inspection at the City Clerk's Office.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's

Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

Adopt Ordinance No. 2017 Adding a New Chapter 10.06 to Title 10 of the City Code ("Vehicles and Traffic") Related to Illegal Street Racing and Sideshows.

Reviewed by: Daniel Winter, Assistant Chief of Police

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Ordinance