



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-16

CHARLES PARKIN
City Attorney

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March 1, 2022

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance amending the Long Beach Municipal Code by adding Chapter 10.82, relating to Prohibiting Spectators at Street Races, Sideshows, and Reckless Driving Exhibitions, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

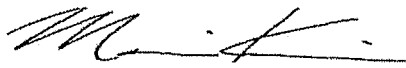
Per the City Council's request on July 20, 2021, we have prepared the attached Ordinance amending the Long Beach Municipal Code by adding Chapter 10.82, relating to Prohibiting Spectators at Street Races, Sideshows, and Reckless Driving Exhibitions, for the Council's review and approval.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

CHARLES PARKIN, City Attorney

By 

Monica J. Kilaita
Deputy City Attorney

MJK:vr

ATTACHMENT: CITY COUNCIL ORDINANCE

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 10.82 RELATING
TO PROHIBITING SPECTATORS AT STREET RACES,
SIDESHOWS, AND RECKLESS DRIVING EXHIBITIONS

WHEREAS, motor vehicle speed contests and exhibitions of speed are more commonly referred to as "street races," and common acts of reckless driving often occur during, or when preparations are being made for, such illegal street races. This includes pre-race events referred to as "sideshows" or motorcycle "stunting" in which groups of people block streets and sidewalks to form sideshow or stunt areas in conjunction with street races; and

WHEREAS, streets and off-street parking facilities within the City have been the sites of continuing and escalating illegal street races, sideshows, and motorcycle stunting recently and over the years; and

WHEREAS, street races, sideshows, and motorcycle stunting pose an immediate threat to the health and safety of the public, interfere with pedestrian and vehicular traffic, create a public nuisance, and inhibit private business owners from enjoying the use of their property within the City; and

WHEREAS, groups of racers, sideshow participants, stunters, and spectators gather on the streets and in off-street parking facilities and, among other things, block traffic on the streets and sidewalks in order to form a racetrack, sideshow or stunt area, place bets and wagers, and otherwise encourage, aid and abet the street racing process; and

WHEREAS, illegal street racers accelerate to high speeds without regard to oncoming traffic, pedestrians, or other vehicles, and the racers drive quickly from street to

1 street, race for several hours, and then move to different locations upon the arrival of
2 police; and

3 WHEREAS, these activities often result in an increase in traffic accidents,
4 property crimes, and calls for police service; and

5 WHEREAS, illegal street racing, sideshows, and motorcycle stunting attract
6 many spectators, and the presence of spectators at these events encourages street
7 racing to continue and creates an environment in which illegal activities can flourish; and

8 WHEREAS, pursuant to California Vehicle Code sections 23103, et seq.,
9 and 23109, et seq., motor vehicle speed contests, reckless driving, exhibitions of speed
10 conducted on public streets and highways, and reckless driving conducted on public
11 streets, highways, and off-street parking facilities, as well as aiding and abetting in some
12 of these violations, are already illegal under California law; and

13 WHEREAS, currently, the California Vehicle Code does not contain a
14 section specifically relating to prohibiting spectators at street races, sideshows, and
15 reckless driving exhibitions; and

16 WHEREAS, as such, the City Council desires to make it a violation of the
17 Long Beach Municipal Code to be a spectator at a street race, sideshow, or reckless
18 driving exhibition on or in a public highway or off-street parking facility, or to be present
19 during preparations for such events; and

20 WHEREAS, the City Council further desires to declare that specified prior
21 acts are admissible as evidence to show the propensity of a criminal defendant to be
22 present at or attend illegal street races, sideshows, or reckless driving exhibitions, if the
23 prior act(s) occurred within three (3) years of a presently-charged offense; and

24 WHEREAS, the Council's action seeks to prohibit spectators at illegal street
25 races, sideshows, and reckless driving exhibitions to significantly decrease this criminal
26 activity in the City by targeting a clear, limited group, and now gives proper notice to
27 citizens as to which activities are unlawful;

28 NOW, THEREFORE, the City Council of the City of Long Beach ordains as

1 follows:

2 Section 1. Chapter 10.82 entitled "Spectators Prohibited at Street Races,
3 Sideshows, and Reckless Driving Exhibitions" is hereby added to the Long Beach
4 Municipal Code to read as follows:

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6

CHAPTER 10.82

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SPECTATORS PROHIBITED AT STREET RACES, SIDESHOWS, AND

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RECKLESS DRIVING EXHIBITIONS

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10.82.010 – Definitions.

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The definitions in this Section apply to the following terms as
used in this Chapter:

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A. "Street race" or "street racing" 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 from
time to time.

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B. "Sideshow" means an event in which two or more persons
block or impede traffic on a highway for the purpose of performing motor
vehicle stunts, street racing, or reckless driving for spectators referred to in
subdivision (i)(2)(A) of California Vehicle Code Section 23109, as may be
amended from time to time.

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C. "Reckless driving exhibition" means any exhibition of reckless
driving referred to in California Vehicle Code section 23103, as it may be
amended from time to time.

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D. "Offstreet parking facility" has the same meaning as set forth
in subdivision (c) of California Vehicle Code section 12500, as it may be
amended from time to time, and includes any public or private parking
facility open and accessible to members of the public.

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1 E. "Spectator" means any person who is present at a street race
2 or reckless driving exhibition, or the site of the preparations for either of
3 these activities, for the purpose of viewing, observing, watching, or
4 witnessing the event as it progresses. A spectator includes any person at
5 the location of the event without regard to the means by which the person
6 arrived.

7 F. A person is "present" at a street race or reckless driving
8 exhibition if that person is within two hundred (200) feet of the location of
9 the street race or reckless driving exhibition, or within two hundred (200)
10 feet of the site of the preparations for either of these activities.

11 G. "Scene" means the site or location of a street race, sideshow,
12 or reckless driving exhibition or the site or location of the preparations for a
13 street race or reckless driving exhibition. The scene includes the path or
14 course of the street race or reckless driving exhibition.

15 H. "Preparations" for any street race, sideshow, or reckless
16 driving exhibition include, but are not limited to, any of the following acts
17 done for the purpose of a street race, sideshow, or reckless driving
18 exhibition:

- 19 1. One (1) or more motor vehicles and persons have arrived at a
20 predetermined location on a public street or highway or in an
21 offstreet parking facility;
- 22 2. One (1) or more persons have gathered on, or adjacent to, a
23 public street or highway;
- 24 3. One (1) or more persons have gathered in an offstreet parking
25 facility;
- 26 4. One (1) or more persons have gathered for a sideshow,
27 motorcycle stunting or other exhibition in conjunction with a street
28 race or reckless driving exhibition;

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- 5. One (1) or more persons have impeded the public use of a public street, highway, or offstreet parking facility by acts, words or physical barriers;
- 6. One (1) or more motor vehicles have lined up on a public street, highway, or offstreet parking facility with motors running;
- 7. One (1) or more drivers is revving a motor vehicle's engine or causing the motor vehicle's tires to spin; or
- 8. A person is standing or sitting in a location for the purpose of acting as a race starter.

10.82.020 – Spectators Prohibited at Street Races, Sideshows, and Reckless Driving Exhibitions.

A. It shall be unlawful for any person to be knowingly present as a spectator at a street race, sideshow, or reckless driving exhibition conducted on a public street or highway or in an offstreet parking facility.

B. It shall be unlawful for any person to be knowingly present as a spectator where preparations are being made for a street race, sideshow, or reckless driving exhibition conducted on a public street or highway or in an offstreet 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 street race, sideshow, or reckless driving exhibition and/or spectators at the location of preparations for any of these activities.

10.82.030 – Violations and Admissible Evidence.

A. A violation of this Chapter may be punishable as a misdemeanor or an infraction at the discretion of the City Prosecutor.

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B. Notwithstanding any other provision of law, to prove a violation of Section 10.82.020 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 street race, sideshow, or reckless driving exhibition;
2. That the person charged has previously aided and abetted street racing, sideshow, or a reckless driving exhibition;
3. That the person charged has previously attended a street race, sideshow, or reckless driving exhibition; or
4. That the person charged was previously present at a location where preparations were being made for a street race, sideshow, or reckless driving exhibition, or where a street race or reckless driving exhibition was in progress.
5. To the fullest extent permissible by law, evidence of prior act(s) may be admissible to show the plan, opportunity, intent, knowledge, identity and/or propensity of the person charged to be present at a street race, sideshow, or a reckless driving exhibition if the prior act(s) occurred within three (3) years of the presently charged offense. The prior act(s) may also be admissible to show that, in the absence of a mistake or accident, the person charged had knowledge that a street race, sideshow, or reckless driving exhibition was taking place.

C. In addition to the circumstances set out in subsection B of this Section, and notwithstanding any other provision of law, 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;

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- 1 2. The nature and description of the scene, including the number and
- 2 configuration of traffic lanes;
- 3 3. The number of people at the scene;
- 4 4. The location of the person charged in relation to any person or
- 5 group of persons present at the scene;
- 6 5. The number and types of motor vehicles at the scene;
- 7 6. That the motor vehicles at the scene have been modified or
- 8 altered to increase power, handling, or visual appeal;
- 9 7. That the person charged drove or was transported to the scene; or
- 10 8. That the person charged admitted to being a spectator at a street
- 11 race, sideshow, or reckless driving exhibition.

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13 Section 2. The City Clerk shall certify to the passage of this ordinance by

14 the City Council and cause it to be posted in three (3) conspicuous places in the City of

15 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the

16 Mayor.

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OFFICE OF THE CITY ATTORNEY
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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2022, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor