

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



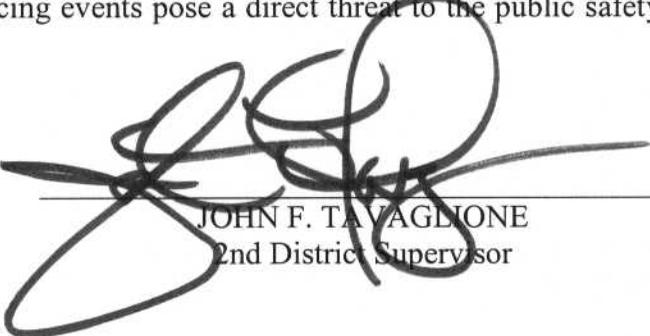
FROM: Supervisor Tavaglione

SUBMITTAL DATE: August 23, 2005

SUBJECT: Introduction of Ordinance No.848, an Ordinance of the County of Riverside Prohibiting Spectators at Illegal Motor Vehicle Speed Contests and Exhibitions of Speed.

RECOMMENDED MOTION: That the Board of Supervisor approve the introduction of Ordinance No. 848 and set it for a public hearing on September 13, 2005.

BACKGROUND: Although prohibited by the California Vehicle Code, the local streets and highways of the unincorporated areas of the County continue to be the site of an escalating number of motor vehicle speed contests and exhibitions of speed events, commonly known as "street races" or "drag races". Our local law enforcement agencies report these illegal street racing events attract and are encouraged by hundreds of juvenile and adult spectators. As a consequence, these illegal street racing events cause traffic congestion and risk of serious injury or death for pedestrians and vehicular. In addition, illegal street racing events create a dangerous environment for other illegal activity such as, but not limit to, juvenile curfew violations, littering, drinking in public, fights and public disturbances, graffiti and vandalism. As a consequence, these illegal street racing events pose a direct threat to the public safety, health and welfare.



JOHN F. TAVAGLIONE
2nd District Supervisor

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist. 2

AGENDA NO. 3.109

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In order to address this public safety concern, this ordinance seeks discourage spectators at these illegal street racing events. The ordinance would make it a criminal misdemeanor to be a spectator at illegal street racing events and provides for a punishment of ninety days in jail or a fine up to \$1000. It has been drafted after consultation with the Sheriff's Department and California Highway Patrol, and with the assistance of the District Attorney's office.

The ordinance compliments current California Vehicle Code provisions that prohibit participation in illegal street racing events.

With the approval of the Board, Ordinance No. 848 will be set for a Public Hearing on September 13, 2005.

1 electronic devices that allows them to move in their vehicles spontaneously from one location to
2 another to avoid detection and prosecution by local law enforcement agencies; and

3 That illegal motor vehicle speed contests and exhibitions of speed continue to occur despite
4 asserted efforts of local law enforcement agencies to detect and prevent these illegal activities
5 through enforcement of existing traffic laws; and

6 That the mere presence of spectators at illegal motor vehicle speed contests and exhibitions of
7 speed serves to fuel the occurrence of illegal vehicle speed contests and exhibitions of speed and,
8 thereby, creates an environment for these illegal activities as well as other illegal activities that
9 place at risk the safety and welfare of the public at risk; and

10 That by discouraging spectators at illegal motor vehicle speed contests and exhibitions of speed,
11 the act of organizing and participating in these illegal activities will be discouraged; and

12 That the County seeks to promote the County's interest in protecting and preserving the safety of
13 pedestrians and motorists in, about, or upon public streets and highways so as to minimize any
14 dangerous conditions caused by illegal motor vehicle speed contests and exhibitions of speed, and
15 to curb criminal or other dangerous activity that poses a risk to the public's safety and welfare
16 surrounding illegal street racing and exhibitions of speed.

17 **Section 2. Statement of Intent and Purpose**

18 The streets within the unincorporated areas of the County have been the site of continuing and
19 escalating illegal street races over the past several years despite asserted efforts of local law
20 enforcement agencies to prevent and otherwise abate this illegal activity through the enforcement
21 of existing traffic laws. Illegal motor vehicle speed contests and exhibitions of speed are fueled by
22 the presence of spectators and create an environment in which these, as well as other, illegal
23 activities can flourish. Therefore, the intent and purpose of this ordinance is to discourage the
24 presence of spectators at illegal vehicle speed contests and exhibitions of speed in the
25 unincorporated areas of the County.

26 This ordinance is not intended to preempt state law governing the regulation of speed contests or
27 exhibitions of speed but rather compliment such laws by prohibiting spectators at illegal motor
28 vehicle speed contests and exhibitions of speed events.

29 **Section 3. Definitions**

30 For the purposes of this ordinance, the following definitions shall apply:

31 "County" shall mean the County of Riverside and its respective agencies and departments.

32 "Illegal motor vehicle speed contest(s) or "Illegal exhibition of speed(s) shall mean any speed
33 contest or exhibition of speed referred to in California Vehicle Code sections 23109(a) and
34 21309(c).

35 "Preparations" shall mean those preparations for the illegal motor vehicle speed contest or
36 exhibition of speed including, but not limited to, situations in which: (1) a group of vehicles or
37 individuals has arrived at a location for the purpose of participating in or being spectators at the
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1 event; (2) a group of individuals has lined one or both sides of a public street or highway for the
2 purpose of participating in or being a spectator at the events; (3) a group of individuals has
3 gathered on private property open to the general public without the consent of the owner, operator,
4 or agent thereof for the purpose of participating in or being a spectator at the event; (4) one or
5 more individuals has impeded the free public use of a public street or highway by actions, words,
6 or physical barriers for the purpose of conducting the event; (5) two or more vehicles have lined
7 up with motors running for an illegal motor vehicle speed contest or exhibition of speed; (6) one
8 or more drivers is revving his engine or spinning his tires in preparation for the event; or (7) an
9 individual is stationed at or near one or more motor vehicles serving as a race starter.

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11 “Spectator” shall mean any individual who is present at an illegal motor vehicle speed contest or
12 exhibition of speed, or at a location where preparations are being made for such activities, for the
13 purpose of viewing, observing, watching, or witnessing the event as it progresses. “Spectator”
14 includes any individual at the location of the event without regard to whether the individual
15 arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by
16 some other means.

17 “Motor vehicle” shall mean a vehicle as defined in California Vehicle Code section 415.

18 **Section 4. Violation – Spectator at Illegal Motor Speed Contests or Exhibitions of Speed**

- 19 A. Any individual who is knowingly present as a spectator, either on a public street or
20 highway, or on private property open to the general public without the consent of the
21 owner, operator, or agent thereof, at an illegal motor vehicle speed contest or exhibition of
22 speed is guilty of a misdemeanor subject to a maximum of ninety (90) days in jail, or a fine
23 of up to \$1,000.
- 24 B. Any individual who is knowingly present as a spectator, either on a public street or
25 highway, or on private property open to the general public without the consent of the
26 owner, operator, or agent thereof, where preparations are being made for an illegal motor
27 vehicle speed contest or exhibition of speed is guilty of a misdemeanor subject to a
28 maximum of ninety (90) days in jail, or a fine of up to \$1,000.
- 29 C. An individual is present at the illegal motor vehicle speed contest or exhibition of speed if
30 that individual is within 200 feet of the location of the event, or within 200 feet of the
31 location where preparations are being made for the event.
- 32 D. Exemption: Nothing in this section prohibits law enforcement officers or their agents from
33 being spectators at illegal motor vehicle speed contests or exhibitions of speed in the course
34 of their official duties.

35 **Section 5. Relevant Circumstances to Prove a Violation**

36 Notwithstanding any other provision of law, to prove a violation of Section 4., admissible
37 evidence may include, but is not limited to, any of the following:

- 38 (i) the time of day;
- (ii) the nature and description of the scene;

- (iii) the number of people at the scene;
- (iv) the location of the individual charged in relation to any individual or group present at the scene;
- (v) the number and description of motor vehicles at the scene;
- (vi) that the individual charged drove or was transported to the scene;
- (vii) that the individual charged has previously participated in an illegal motor vehicle speed contest or exhibition of speed;
- (viii) that the individual charged has previously aided and abetted an illegal motor vehicle speed contest or exhibition of speed;
- (ix) that the individual charged has previously attended an illegal motor vehicle speed contest or exhibition of speed;
- (x) that the individual charged previously was present at a location where preparations were being made for an illegal speed contest or exhibition of speed or where an exhibition of speed or illegal vehicle speed contest was in progress.

Section 6. Admissibility of Prior Acts

The list of circumstances set forth in Section 5. is not exclusive. Evidence of prior acts may be admissible to show the propensity of the defendant to be present at or attend an illegal motor vehicle speed contest or exhibition of speed, 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 defendant that a speed contest or exhibition of speed was taking place at the time of the presently charged offense.

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