



COUNTY OF ALAMEDA

SHERIFF/CORONER

Yesenia Sanchez

PRESIDENT

BOARD OF SUPERVISORS

Nathan A. Miley

July 17, 2023

Honorable Board of Supervisors
County Administration Building
1221 Oak Street
Oakland, California 94612

Dear Board Members:

SUBJECT: ADOPT AN ORDINANCE ADDING CHAPTER 10.40 TO TITLE 10 OF THE ALAMEDA COUNTY ORDINANCE CODE PROHIBITING SPECTATORS AT SIDESHOWS, STREET RACES, AND RECKLESS DRIVING EXHIBITIONS

RECOMMENDATION:

Approve an ordinance adding Chapter 10.40 to Title 10 of the Alameda County Ordinance Code prohibiting spectators at sideshows, street races, and reckless driving exhibitions.

DISCUSSION/SUMMARY:

Approving this ordinance would make it unlawful to attend a sideshow or an illegal street race or reckless driving exhibition (referred to as a "Sideshow Event") as a spectator. Violation of this ordinance is a misdemeanor and individuals who violate this ordinance will be subject to a fine up to one thousand dollars (\$1,000), a sentence of up to three months in jail, or by both a fine and imprisonment.

Although your Board had a second reading of this ordinance on July 11, 2023, when the minutes were being prepared it was discovered that the Board Letter and the Ordinance presented on second reading inadvertently did not include the amendment your Board had voted on – lowering potential terms of incarceration from 6 months to 3 months. Because of this omission, a new second reading on the ordinance, as amended, is acquired.

BACKGROUND

California law already prohibits drivers and passengers from engaging in Sideshow Events by criminalizing illegal street racing and illegal exhibitions of reckless driving. Existing law allows a peace officer to arrest a person and seize their motor vehicle if the peace officer determines that the person was engaged in these activities. But Sideshow Events include many other individuals, including pedestrians and other drivers and passengers who attend the Sideshow Event as spectators, and who may also participate in blocking or preventing access to the highway or other property where the Sideshow Event occurs or as starters.

Spectators play a part in Sideshow Events by encouraging, popularizing, and facilitating these events. Sizable crowds will gather to watch races or side shows. Spectators will often take video recordings of these events and post them on social media. This behavior can expose street racing and reckless driving exhibitions to a broader audience and potentially perpetuate the activity and increase its popularity. This ordinance establishes the elements necessary for spectators at sideshows to also be held accountable.

Sideshows cause significant damage to unincorporated Alameda County infrastructure including by harming or destroying intersection markings, street signs, poles, and other equipment; this infrastructure is critical for public safety and requires replacement after a Sideshow Event, which diverts resources from other critical safety improvements.

Sideshows typically occur during times when violent and property crime rates are high in unincorporated areas and the Alameda County Sheriff's Office is already addressing high emergency call volumes; Sideshows require a law enforcement response that diverts Alameda County Sheriff Office personnel from responding to these other emergencies.

Sideshows 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, both participant drivers and spectators are often under the influence of drugs and alcohol and have often been associated with the discharge of firearms, resulting in higher violent crime rates and vandalism.

Sideshows drastically impact the quality of life in the communities where they occur by causing damage to vehicles and private and public property, reduced air quality due to the smoke released by burning rubber tires, noise pollution, and unmanageable crowds that leave behind garbage.

Promoters of sideshows attract hundreds of people from outside of unincorporated Alameda County 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.

In Alameda County vehicles at sideshows have caused great bodily injury and death to spectators.

This ordinance will provide law enforcement another tool to stop and prevent sideshows and reduce risk in our neighborhoods. A number of cities and counties throughout California have enacted similar spectator ordinances.

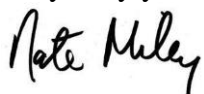
FINANCING:

There is no net increase to County costs.

VISION 2026 GOAL:

The Ordinance meets the 10x goal pathways of a Crime Free County and Accessible Infrastructure in support of our shared vision of Safe and Livable Communities.

Very truly yours,



Nate Miley
President
Alameda County Board of Supervisors

DocuSigned by:



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Yesenia Sanchez
Sheriff/Coroner

ORDINANCE NO. 2023-31 **REVISED**

AN ORDINANCE ADDING CHAPTER 10.40 TO TITLE 10 OF THE ALAMEDA COUNTY
ORDINANCE CODE PROHIBITING SPECTATORS AT SIDESHOWS, STREET RACES, AND
RECKLESS DRIVING EXHIBITIONS

SECTION I

The Board of Supervisors of Alameda County does hereby Ordain that Chapter 10.40 of Title 10 of the General Code of the County of Alameda is added as follows:

10.40.010 Purpose

The Board of Supervisors of the County of Alameda finds a need and purpose for this Ordinance based on the following findings:

- a. Sideshows cause significant damage to unincorporated Alameda County infrastructure including by harming or destroying intersection markings, street signs, poles, and other equipment; this infrastructure is critical for public safety and requires replacement after a Sideshow Event, which diverts resources from other critical safety improvements;
- b. Sideshows typically occur during times when violent and property crime rates are high in unincorporated areas and the Alameda County Sheriff's Office is already addressing high emergency call volumes; Sideshows require a law enforcement response that diverts Alameda County Sheriff Office personnel from responding to these other emergencies;
- c. Sideshows 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, both participant drivers and spectators are often under the influence of drugs and alcohol, and have often been associated with the discharge of firearms, resulting in higher violent crime rates and vandalism;
- d. Sideshows drastically impact the quality of life in the communities where they occur by causing damage to vehicles and private and public property, reduced air quality due to the smoke released by burning rubber tires, noise pollution, and unmanageable crowds that leave behind garbage;
- e. Promoters of sideshows attract hundreds of people from outside of unincorporated Alameda County 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.
- f. In Alameda County vehicles at sideshows have caused great bodily injury and death to spectators.

Section 10.40.020 Definitions

For purposes of this Chapter, the following definitions shall apply:

1. **"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.
2. **"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.
3. **"Reckless Driving Exhibition"** shall mean any exhibition of reckless driving referred to in California Vehicle Code Section 23103, as may be amended.
4. **"Scene"** refers to the location of the Sideshow Event or the location of Preparations for the Sideshow Event.
5. **"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.
6. **"Sideshow Event"** shall mean a Sideshow, Street Race, or Reckless Driving Exhibition as defined by this Chapter.
7. **"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.

8. **"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.

Section 10.40.030 Spectators Prohibited at Sideshow Events.

1. 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.
2. 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.
3. 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.

Section 10.40.040 Relevant Circumstances to Prove a Violation.

1. 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:
 - a. The time of day.
 - b. The nature and description of the Scene, including the number and configuration of traffic lanes.
 - c. The number of people at the Scene.
 - d. The location of the person charged in relation to any person, group of persons or vehicle(s) present at the Scene.
 - e. The approximate number and/or descriptions of motor vehicles at the Scene.
 - f. Whether the motor vehicles at the Scene have been modified or altered to increase power, handling, or visual appeal.
 - g. The person charged drove or was transported to the Scene.
2. 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 unincorporated Alameda County. These prior acts may include, but are not limited to:
 - a. The person charged has previously participated in or organized, promoted, instigated, assisted, or facilitated a Sideshow Event.
 - b. The person charged has previously attended or been a Spectator at a Sideshow Event.

- c. 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.

Section 10.40.050 Penalties and Violations.

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

Section 10.40.060 Severability.

If any article, section, subsection sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions, which shall remain in full force and effect.

SECTION II

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the 1st day of August, 2023, by the following called vote:

AYES: Supervisors Carson, Haubert & President Miley - 3
NOES: Supervisor Marquez - 1
EXCUSED: Supervisor Tam - 1
ABSTAINED: None




Nate Miley
President of the Board

Approved as to Form:
Donna R. Ziegler, County Counsel
By: 

K. Scott Dickey
Assistant County Counsel

ATTEST:

Anika Campbell-Belton
Clerk of the Board

By: 

Deputy