

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 19 OF THE SONOMA COUNTY CODE TO ADD ARTICLE VII -SIDESHOWS, STREET RACES, AND RECKLESS DRIVING EXHIBITIONS

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. – Chapter 19 of the Sonoma County Code is hereby amended to add a new Article VII.- Sideshows, Street Races, and Reckless Driving Exhibitions, to read as follows:

“Article VII.- Sideshows, Street Races, and Reckless Driving Exhibitions

Sec. 19-78. – Definitions.

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

- a) "Offstreet Parking Facility" is defined in subdivision (c) of California Vehicle Code Section 12500, as may be amended.
- b) "Participant" means any individual driving a vehicle found to have engaged in a Reckless Driving Exhibition, as referred to in California Vehicle Code Section 23103.
- c) "Passenger" means any individual riding in a vehicle found to have engaged in a Reckless Driving Exhibition or Sideshow, as referred to in California Vehicle Code Section 23103.
- d) "Preparations" for any Sideshow, Street Race, or Reckless Driving Exhibition include, but are not limited to, any of the following acts done for the purpose of a Side Show, Street Race or Reckless Driving Exhibition:
 - 1) One (1) or more motor vehicles and persons have arrived at a location on a public street or highway or in an Off-street Parking Facility for the purpose of participating in or observing a Sideshow, Street Race, or Reckless Driving Exhibition;
 - 2) One (1) or more persons have gathered on, or adjacent to, a public street or highway for the purpose of participating in or observing a Sideshow, Street Race or Reckless Driving Exhibition;

- 3) One (1) or more persons have gathered in an Off-street Parking Facility for the purpose of participating in or observing a Sideshow, Street Race or Reckless Driving Exhibition;
 - 4) One (1) or more persons have impeded the free public use of a public street, highway, or Off-street Parking Facility by acts, words, or physical barriers for the purpose of participating in or observing a Sideshow, Street Race or Reckless Driving Exhibition;
 - 5) One (1) or more motor vehicles have lined up on a public street, highway, or Off-street Parking Facility with motors running for the purpose of participating in or observing a Sideshow, Street Race or Reckless Driving Exhibition;
 - 6) One (1) or more drivers are revving a motor vehicle's engine or causing the motor vehicle's tires to spin; or
 - 7) A person is standing or sitting in a location to act as a race starter.
- e) "Present" means a Spectator is within two hundred (200) feet of the location of the Sideshow, Street Race or Reckless Driving Exhibition, or within two hundred (200) feet of the site of the Preparations for either of these activities.
 - f) "Reckless Driving Exhibition" shall mean any exhibition of reckless driving referred to in California Vehicle Code Section 23103, as may be amended.
 - g) "Scene" shall mean the location of the Sideshow, Street Race or Reckless Driving Exhibition or the location of the Preparations for the Sideshow, Street Race or Reckless Driving Exhibition.
 - h) "Sideshow" shall mean any exhibition of reckless driving referred to in California Vehicle Code Section 23103, as may be amended.
 - i) "Spectator" shall mean any person who is present at a Sideshow, Street Race or Reckless Driving Exhibition, or the site of the Preparations for any of these activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. A "Spectator" includes any person at the location of the event without regard to the means by which the person arrived.
 - j) "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.

Sec. 19-79. - Sideshows, Street Races, and Reckless Driving Exhibitions prohibited.

It shall be unlawful for any person to

- a) Knowingly participate as a driver at a Sideshow, Street Race or Reckless Driving Exhibition conducted on a public street or highway; or
- b) Be knowingly present as a Passenger at a Sideshow, Street Race or Reckless Driving Exhibition conducted on a public street or highway or in an Offstreet Parking Facility.

Sec. 19-80. – Spectators prohibited at Sideshows, Street Races, and Reckless Driving Exhibitions.

- a) It shall be unlawful for any person to:
 - 1) Be knowingly present as a Spectator at a Sideshow, Street Race, or Reckless Driving Exhibition conducted on a public street or highway or in an Off-street Parking Facility.
 - 2) Be knowingly present as a Spectator where Preparations are being made for a Sideshow, Street Race, or Reckless Driving Exhibition conducted on a public street or highway or in an Off-street Parking Facility.
- b) Nothing in this Chapter prohibits peace officers, medical professionals, firefighters or their agents who are acting in the course of their official duties from being Spectators at a Sideshow, Street Race, or Reckless Driving Exhibition or Spectators at the location of Preparations for any of these activities.

Sec. 19-81. - Relevant circumstances to prove a violation.

- a) To prove a violation 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 Sideshow, Street Race or Reckless Driving Exhibition;
 - 2) That the person charged has previously aided and abetted a Sideshow, Street Race, or Reckless Driving Exhibition;
 - 3) That the person charged has previously attended a Sideshow, Street Race, or Reckless Driving Exhibition; or

- 4) That the person charged was previously present at a location where Preparations were being made for a Sideshow, Street Race, or Reckless Driving Exhibition, or where a Sideshow, Street Race, or Reckless Driving Exhibition was in progress.
 - 5) Evidence of these prior acts may be admissible, to the fullest extent permissible by law, to show the opportunity, intent, plan, knowledge, identity or the absence of mistake or accident, or propensity of the defendant to be present at or attend a Sideshow, Street Race, or Reckless Driving Exhibition if the prior act or acts occurred within three (3) years of the presently charged offense. These prior acts may always be admissible to show knowledge on the part of the defendant that a Sideshow, Street Race, or Reckless Driving Exhibition was taking place.
- b) In addition to the circumstances set out in subsection a) above, 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;
 - 2) The nature and description of the Scene, including the number and configuration of traffic lanes;
 - 3) The number of people at the Scene;
 - 4) The location of the person charged in relation to any person or group of persons present at the Scene;
 - 5) The number and descriptions of motor vehicles at the Scene;
 - 6) That the motor vehicles at the Scene have been modified or altered to increase power, handling, or visual appeal;
 - 7) That the person charged drove or was transported to the Scene.

Sec. 19-82. – Promoting, Organizing, or Facilitating Spectators to gather at Sideshows, Street Races and Reckless Driving Exhibitions prohibited.

- a) It shall be unlawful for any person to knowingly encourage, promote, instigate, assist, facilitate, aide, or abet the gathering of persons as Spectators at a Sideshow, Street Race, or Reckless Driving Exhibition conducted on a public street or highway, or Off-street Parking facility.

- b) It shall be unlawful for any person to knowingly encourage, promote, instigate, assist, facilitate, aide, or abet the gathering of persons as Spectators where Preparations are being made for a Sideshow, Street Race, or Reckless Driving Exhibition conducted on a public street or highway, or in an Off-street Parking Facility.

Sec. 19-83.– Penalties for Violations.

- a) Any person who violates this chapter is guilty of a misdemeanor subject to a maximum of six (6) months in jail and a fine of \$1,000.00, unless at the discretion of the prosecuting agency, the violation is reduced to an infraction.
- b) Any person who violates this chapter or who aids in the violation of this chapter is liable for the actual damages caused by said violation, in such amount as may be determined by a jury or a court sitting without a jury.”

Section II. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the X day of X, 2023, and finally passed and adopted this X day of X, 2023, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin:	Rabbitt:	Gore:	Hopkins:	Coursey:
Ayes:	Noes:	Absent:	Abstain:	

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Christina Rivera,
Clerk of the Board of Supervisors