



# Santa Clara Police

## Training Flash



### Street Racing Ordinance- Spectators

**Ordinance Effective May 28, 2020:**

#### **10.06.020 SCMC Spectators Prohibited at Speed Contests and Reckless Driving Exhibitions**

It shall be unlawful for any person to:

- a. Be knowingly **present as a Spectator at a Speed Contest (23109 CVC)** conducted on a public street or highway;  
or
- b. Be knowingly **present as a Spectator at a Reckless Driving Exhibition (23103 CVC)** conducted on a public street or highway or in an Off-street Parking Facility; or
- c. Be knowingly present as a Spectator where Preparations are being made for a Speed Contest conducted on a public street or highway; or
- d. Be 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.

#### **10.06.040 SCMC Enforcement**

May enforce violation(s) of the provisions of this Chapter as a criminal, civil, and/or administrative action.

- If the violation is prosecuted as an administrative citation pursuant to SCCC Chapter 1.10, the penalties for a violation of this chapter shall be as follows:
  - **Penalty for the first violation shall be \$500**
  - **Penalty for the second and each subsequent violation within a 3-year period shall be \$1,000**

#### **Definitions:**

- **“Spectator”** shall mean any person who is present at a Speed Contest or Reckless Driving Exhibition, or at the site of the Preparations for either of these activities, knowingly and deliberately 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. A person is “present” at the Speed Contest or Reckless Driving Exhibition if that person is within two hundred (200) feet of the location of the Speed Contest or Reckless Driving Exhibition, or within two hundred (200) feet of the site of the Preparations for either of these activities.

- **“Preparations”** for any Speed Contest or Reckless Driving Exhibition include, but are not limited to, any of the following acts done for the purpose of organizing, conducting, participating in, or acting as a Spectator at, a Speed Contest or Reckless Driving Exhibition:
  - Two (2) or more motor vehicles and persons have arrived at a predetermined location on a public street or highway or in an Off-street Parking Facility;
  - Two (2) or more persons have gathered on, or adjacent to, a public street or highway, or in an Off-street Parking Facility;
  - Two (2) 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, in furtherance of the event;
  - Two (2) or more motor vehicles have lined up on a public street, highway, or Off-street Parking Facility with motors running;
  - One (1) or more drivers is revving a motor vehicle’s engine or causing the motor vehicle’s tires to spin (e.g. sideshow activity and/or speed contest); or
  - A person is present to act as a race starter.

**10.06.030 SCMC Relevant Circumstances to Prove a Violation**

Admissible evidence may include, but is not limited to, any of the following:

- a. The nature of and circumstances surrounding the incident, and the nature of a subject 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.); or
- b. That the person charged has previously participated in, or been a Spectator at, a Speed Contest or Reckless Driving Exhibition; or
- c. That the person charged has previously aided and abetted a Speed Contest or Reckless Driving Exhibition; or
- d. That the person charged was previously present at a location where Preparations were being made for a Speed Contest or Reckless Driving Exhibition; or
- e. 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 a mistake or accident, or propensity of the defendant to be present as a Spectator at a Speed Contest or a 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 Speed Contest or a Reckless Driving Exhibition was taking place at the time of the presently charged offense. Prior acts are not limited to those that occurred within the City of Santa Clara.